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## MEMORANDUM

DATE: November 16, 2015  
TO: Coastal Permit Administrator  
FROM: Julia Acker, Planner II  
RE: CDP 2014-0042 (Mendocino Land Trust) Pelican Bluffs Trail- Condition Revisions and additions

After distribution of the Staff Report for the subject project, County Staff has made aware of changed conditions with regards to several of the Conditions of Approval. This memorandum shall address the recommended changes to the Conditions of Approval and Findings for the project and if adopted by the Coastal Permit Administrator shall be required by the applicant. Language additions are shown as underlined, and deleted language is shown as ~~stricken~~. Text changes are also required due to the change in conditions. The changes in the text will be referenced by document (CPA, A or B) and page number.

Condition 9 shall be modified as described below on CPA-11, A-6 & 7, and B-6.

Condition 12 shall be modified as described below on CPA-12 & 13, A-8 & 9, and B-9 & 10.

The square footage for the wetland restoration shall be revised from sixty (60) square-feet to twenty (20) square-feet on CPA-7, A-6 and B-6.

**ENVIRONMENTAL FINDINGS:** The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

### CONDITIONS OF APPROVAL:

9. In order to provide for the protection of Natural Resources, the following shall be completed by the applicant:

- ~~a. The populations of Pt. Reyes ceanothus (Ceanothus gloriosus var. gloriosus), short leaved evax (Hesperis matronalis var. brevifolia), and supple daisy (Erigeron supplex) shall be monitored yearly. One or two permanent photo points shall be established with yearly monitoring for five years following project approval. Results of the monitoring shall be submitted to the Department of Planning and Building Services annually. Care shall be taken when performing the yearly monitoring to not approach the sites from the established trail as this could invite others to explore and potentially impact the ESHA.~~
- a. The Arroyo (Salix lasiolepis) and Sitka (Salix sitchensis) willow thicket shall be monitored yearly at the crossing sites to ensure structural integrity is maintained. Hand removal of invasive species shall be completed on a yearly basis before they become established and spread. Herbaceous vegetation that is impacted from the walkway construction shall be replaced at a 1:1 ratio.
- b. California Department of Fish and Wildlife confirmed that a minimum of a fifty (50) foot buffer shall be maintained between proposed improvements and identified ESHA, except for the

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resources where the trail must cross within fifty (50) feet. Only those resources specifically outlined in the staff report shall have a buffer of less than fifty (50) feet.

- c. Restore a wetland area measuring no less than ~~sixty (60)~~ twenty (20) square-feet by removing invasive plants and allowing native plants to colonize the area. The applicant shall adhere to all requirements of the Streambed Alteration Agreement, issued by the California Department of Fish and Wildlife.
  - i. ~~The site to be restored shall be within the wetland area directly adjacent to the boardwalk. Mendocino Land Trust shall delineate (flag or stake), photo-document and provide a map of the restoration area; compile a plant species list; and estimate cover of native plants and non-native plants within the restoration area.~~
  - ii. ~~The mitigation plan shall be in effect for no less than five (5) years. Within the mitigation area, non-native plants shall be removed to encourage the spread and establishment of nearby native plants. After initial removal of non-native plants, follow-up work shall occur on a quarterly basis or as necessary (at the discretion of the California Department of Fish and Wildlife). On at least a quarterly basis, Mendocino Land Trust shall monitor the project site, including photo-documentation and an estimate of native and non-native plant cover. On at least an annual basis, this information shall be compiled and reported to the California Department of Fish and Wildlife.~~
  - iii. ~~Success Criteria/Performance Standards are at the discretion of the California Department of Fish and Wildlife and the stipulations of the Lake and Streambed Alteration Agreement obtained by Mendocino Land Trust.~~

12. All Construction Notes on the Pelican Bluffs Parking Plan, as revised on October 30, 2015, shall be complied with during construction of the parking area. If deviation from the Construction Notes is required, such deviation shall only be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer. Construction Notes are as follows:
  - a. No construction shall commence without prior approval of the ~~County of Mendocino's Supervising Engineer and California Department of Transportation.~~
  - b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
  - c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.
  - d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
  - e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
  - f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
  - g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
  - h. Site work can only proceed and must be completed during the dry season, April 15 to October 14, unless Wet Season BMPs noted below are followed.
  - i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of ~~Mendocino Land Trust easements project boundaries~~ that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. ~~Existing shrubs of Baccharis shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.~~

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- j. Contractor shall install and maintain erosion control measures shown on the parking plan, prior to grading operations.
- k. Prior to placement of aggregate base course material at paved areas, compact subsoil to 95 percent of its maximum dry density at optimum water content (-1 percent + 3 percent) in accordance with ASTM D1557 to the depth as indicated on the Drawings, but not less than 36 inches. ~~At least 24 inches of excavation is required with soil replaced in 12 inch lifts, each compacted.~~
- l. Fill material shall meet Caltrans aggregate subbase (AS) or crushed miscellaneous base (CMB) requirements or a class 3 soil fill meeting the Engineer's requirement, ~~in coordination with the amount of geotextile placed.~~
- m. Compaction of fill shall meet 95 % of fill material dry density, confirmed per Caltrans test method #231, or the equivalent ASTM Standard Penetration Test procedure.
- ~~n. Compaction of fill shall be in 12 inch max lifts, with geotextile reinforcement to be determined. Lifts shall approximate the finished plane, so the upper layers can have full runs of geotextile.~~
- ~~o. Compaction testing shall be undertaken at existing soils before placement of imported fill, and at the completion of fill operations, before placement of rock surface and paving base course.~~
- n. Rocked surface and paving base shall meet Caltrans Class 2 Aggregate Requirements. Paving materials and execution shall match Caltrans requirements.
- o. Pavement marking paint material shall meet Caltrans specification PTH-02ALKYD, with reflective spheres meeting Caltrans specification 8010-004.
- p. Stop bar and marking, and stop sign and installation shall meet 2012 California Manual on Uniform Traffic Control Devices. Include the installation of 2 similar sign posts to be supplied by Mendocino Land Trust.

**STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP\_2014-0042  
NOVEMBER 18, 2015  
CPA - 1**

**OWNERS:** MENDOCINO LAND TRUST  
PO BOX 1094  
MENDOCINO, CA 95460

RON LAFRANCHI  
580 NORTH CENTRAL  
COQUILLE, OR 97423

DIANE FERRARA  
PO BOX 18730  
SAN JOSE, CA 95158

**APPLICANT:** MENDOCINO LAND TRUST  
PO BOX 1094  
MENDOCINO, CA 95460

**REQUEST:** Standard Coastal Development Permit to construct a trail along Pelican Bluffs. Associated development includes a bridge, boardwalks and signage.

**LOCATION:** In the Coastal Zone, approximately one mile south of the City of Point Arena, on the west side of Highway 1, approximately 600 feet south of its intersection with Curley Lane (CR 504A), located between post miles 14.26 and 13.86 and including two public access easements at 26300 and 26600 South Highway 1 (APNs: 027-151-08 (Mendocino Land Trust), 027-341-07 (LaFranchi), and 027-341-08 (Ferrara)).

**APPEALABLE:** Yes (West of First Public Road, Blufftop Parcel)

**PERMIT TYPE:** Standard Coastal Development Permit

**TOTAL ACREAGE:** 73.05 Acres, plus 25-foot public access easements on APNs 027-341-07 and -08.

**GENERAL PLAN/COASTAL PLAN:** Remote Residential (RMR)

**ZONING:** Remote Residential (RMR), Floodplain combining district (FP), forty (40) acre minimum lot size

**EXISTING USES:** Vacant (APN 027-151-08), Agricultural (APN 027-341-07), and Residential (APN 027-341-08).

**ADJACENT ZONING:** North: Rangelands (RL)  
East: Rangelands (RL)  
South: Remote Residential (RMR)  
West: Pacific Ocean

**SURROUNDING LAND USES:** North: Classified Lands  
East: Classified Lands  
South: Rangelands

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West: Pacific Ocean

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration (See Attachment B)

**PROJECT DETERMINATION:** Approve with Conditions

**PROJECT DESCRIPTION:** The project is for the construction of a public access trail along Pelican Bluffs. Construction of the trail will require the installation of a parking area, foot-bridge, approximately one hundred (100) steps, approximately eighty (80) feet of boardwalk, approximately ten (10) interpretive and management signs, two (2) benches, and two (2) picnic tables. The Pelican Bluffs trail will loop around the property from the trailhead in the northeast corner of the property west towards the bluff, where it will follow the western property boundary before looping back to the trailhead. The trail will also extend south within 25-foot public access easements on private property (APNs: 027-341-07 (LaFranchi) and 027-341-08 (Ferrara)) for a total length of approximately two (2) miles. Public access easements are held by Moat Creek Managing Agency, a partner organization of Mendocino Land Trust.

**SITE DESCRIPTION AND SETTING:** The 73.05 acre subject parcel is situated approximately one mile south of the City of Point Arena, on the west side of Highway 1, approximately 660 feet south of its intersection with Curley Lane (CR 504A). The proposed project includes two 25-foot public access easements on adjacent parcels. The site is surrounded by primarily agricultural uses. The subject parcels are mixed in terms of existing development: vacant (APN 027-151-08), agricultural (APN 027-341-07), and residential (APN 027-341-08).

**OTHER RELATED APPLICATIONS:** This is a partial list of coastal development permits permitted by Mendocino County for public access trails.

- CDP# 22-96 & CDP# 23-2003 (Redwood Coast Land Conservancy) permitted the first and second phase of the Gualala Bluff Trail. The trail does not provide access to the beach and does not technically allow development on the bluff face. Both phases provide a blufftop-walking trail. Phase two authorized the construction of a bridge across a drainage swale and a set of stairs necessitated by elevation changes required along the blufftop. Project was Categorically Exempt from CEQA under Class 4.
- CDU# 22-2003 (Westport Village Society, Inc.) permitted facilities to provide public access to the coastal bluff and beach. Improvements included approximately 1,500 feet of trails, a footbridge, a viewing platform, a combination stairway and boat chute down the bluff face to the beach, a manual winch, one ADA-compliant parking space, signs, vehicle gates, and log vehicle barriers. An Initial Study was prepared and a Negative Declaration was recommended.
- CDU# 34-2003 (Mendocino Land Trust/ Navarro Point) permitted construction of a driveway entrance and parking area, trails, boardwalk areas over water features, and other facilities needed to provide public access on the site. No access to the beach is provided. Development of a parking lot was considered a conditional use in the RMR zoning district. An Initial Study was prepared and a Negative Declaration was recommended.
- CDP# 11-2004 (Walsh/Mendocino Land Trust) permitted project improvements including brush clearing, directional signage, "bluff unstable" warning signs and a pedestrian gate. No access to the beach was provided. The trail provides access to the Belinda Point blufftop from Ocean Drive, Fort Bragg. Project was Categorically Exempt from CEQA under Class 4.
- CDP# 68-2008 (Van Damme Investments/Mendocino Land Trust) approved construction of a two-foot wide public trail, including fencing and signs. The trail would run from Highway One, along the outside of the cemetery, around a sinkhole, and to within approximately 50 feet from the ocean bluff edge. An Initial Study was prepared and a Negative Declaration was recommended.

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- CDU# 12-2009 (Walsh/Mendocino Land Trust) permitted construction of a public access stairway from the bluff top to a rocky cove beach at Belinda Point. The stairway is located within the public access easement for the Belinda Point Trail and consists of a series of gravel steps and a wooden staircase to a concrete footing secured on top of the rock outcropping at the beach. After completing the environmental review checklist staff determines that no significant environmental impacts are anticipated which cannot be adequately mitigated. Based on this review, staff concludes that the project can be found to be categorically exempt from CEQA (Class 3(e) and/or 11 ( c)).
- CDP# 18-2014 (Save the Redwoods League/Mendocino Land Trust) permitted construction of the Shady Dell California Coastal Trail (CCT). The project included construction of fifty (50) feet of boardwalk, a thirty (30) foot bridge over Shady Dell Creek, three (3) retaining walls totaling fifty (50) feet in length, two (2) puncheon structures totaling twenty four (24) feet in length, approximately 230 dirt steps, two (2) thirty-six (36) inch by twenty four (24) inch management signs, several eight (8) inch by twelve (12) inch warning signs, and five (5) twenty four (24) by thirty six (36) environmental education/interpretive signs. Approximately 1,000 cubic yards of grading is required to complete the project. Construction of the bridge over Shady Dell Creek requires the use and minor brushing of the M&M Logging Road to bring construction materials to the site. Categorically Exempt from CEQA Class 4 and Class 11.

### SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No comment
Department of Transportation	No response
Environmental Health – Fort Bragg	Maintain minimum setbacks to septic system on 26600 S Highway 1, Point Arena. Permits indicate the leachfield may be near the proposed trail.
Building Inspection – Fort Bragg	No response
Assessor	No response
Caltrans	No response
Archaeological Commission	Accepted survey. Recommended that the applicant shall cap those portions of trail that traverse identified archaeological sites. Capping shall include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline. Plus the standard discovery clause was recommended.
US Fish and Wildlife Service	No <i>Viola adunca</i> present on site, meaning no Behren's Silverspot Butterfly (BSSB) issues. A 100 foot buffer from Point Arena Mountain Beaver (PAMB) habitat is appropriate. The USFWS thinks that this project can proceed as proposed, and will have no further comments on the project.
Trails Advisory Council	No response
CalFire	No comment.
California Dept of Fish and Wildlife	Recommended preparation of a CEQA document as mitigation is required for the pier installation associated with the bridge and boardwalks. Agreed that a fifty (50) foot buffer from particular sensitive habitats is appropriate, where one hundred (100) feet is appropriate for others. A Lake and Streambed Alteration Agreement is in the process of being obtained with California Department of Fish and Wildlife.
California Coastal Commission	No response
Redwood Coast Fire District	No response
Point Arena City Planning	Recommended approval with the Condition that the trail surface accommodate off-road cyclists to the greatest extent feasible, including access trails from Parking Lot. Recommended incorporating bicycle stairway access, allowing cyclists walking the stairs to roll their bike up or down a surface alongside the

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steps. Please see <http://www.millermicro.com/BicycleStairs.html> for an example.

**KEY ISSUES:** Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Code (MCC). Attachment A of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project. The issues listed below are drawn from Attachment A and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

### Land Use

The subject parcel is zoned Remote Residential as shown on the Zoning Display Map and similarly classified as Remote Residential, as shown on the General Plan Designation Map. The Remote Residential zoning district is intended “to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred” (MCC Section 20.380.005). The property is currently vacant with a public access trail proposed. The passive recreational use of the parcel is consistent with the intent of the Remote Residential zoning district and is a principally permitted use within the Remote Residential classification.

### Natural Resources

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Several studies were prepared in association with this project, a Botanical Survey Report, Point Arena Mountain Beaver Survey, and a Reduced Buffer Zone Analysis. The 73.05 acre site contains several areas of sensitive habitats. Identified sensitive habitats on the site are as follows: Point Arena Mountain Beaver (*Aplodontia rufa nigra*), a Federally Listed Endangered Species; Supple daisy (*Erigeron supplex*), a California rare plant; Short-leaved evax (*Hesperevax sparsiflora* var. *brevifolia*), a California rare plant; Point Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), a California rare plant; Minute pocket-moss (*Fissidens pauperculus*), a California rare plant; Arroyo (*Salix lasiolepis*) and Sitka (*S. Sitchensis*) willow thicket, a supportive community to wetland species and riparian habitat; Bishop pine forest/Pacific reed grass (*Pinus muricata*/*Calamagrostis nutkaensis*), a rare plant community; and Bishop pine forest (*Pinus muricata*), a rare plant community.

Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet. Table 1, taken from the Reduced Buffer Zone Analysis document, describes the buffer distance to identified sensitive habitats and recommended actions. Please note that the Point Arena Mountain Beaver is not included in the table as the analysis was done separately and all proposed improvements will maintain a greater than one-hundred (100) foot buffer to identified Point Arena Mountain Beaver habitat.

Table 1. ESHAs and Recommended Actions

ESHAs	Reduced Buffer	Recommended Action
Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> )	50 – 100 ft.	A “Watch List” species (CRPR 4), more information about this plant needs to be obtained. It has no state or federal protection status. Trail proposed within 50 ft, designed to maximize buffer width of the adjacent and more rare supple daisy.
Supple daisy ( <i>Erigeron annuus</i> )	> 100 ft.	No compensation necessary
Minute pocket moss ( <i>Fissidens pauperculus</i> )	> 100 ft.	No compensation necessary
Short-leafed evax ( <i>Hesperivax sparsifolia</i> )	50 – 100 ft.	No trail will be constructed within 50 feet of the short-leafed evax occurrence.
Bishop pine ( <i>Pinus muricata</i> ) forest	No buffer	No trees will be removed. Trail will be designed to discourage off trail use to minimize impacts to understory plant community.
Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> )	Not less than 50 ft.	Trail will be designed to discourage off trail use. A 50 ft. buffer is adequate to prevent impact to the forest/grassland association.
Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket	No buffer	Construction of elevated pedestrian walkways to avoid impact to understory vegetation. The walkways will utilize natural gaps in willow cover along the seasonal drainage.

While a reduced buffer analysis was completed for the proposed project, the proposed trail alignment will still traverse through an ESHA. In order to permit development within a buffer area, the proposed project must comply with MCC Section 20.496.020(A)(4). The proposed project is consistent with the policies related to development within an ESHA buffer for the following reasons:

- While human activity levels will be increased by the acquisition of this site for public use and the construction of trails, these activities will be directed to walkways and trails that avoid all sensitive resources. Prior use of this parcel was a cattle ranch where cattle roamed freely throughout the parcel resulting in considerable ecological damage, displacement of native species, and, establishment of invasive exotics.
- The proposed trail will be compatible with the function and ability of the ESHAs to self-sustain.
- Trail development shall be located in a way that will minimize impacts to all ESHAs. Gradual sloping of trails and switchbacks will be employed to minimize erosion. Where switchbacks occur trails will be designed to employ visual obscuration of the lower segment of the trail to discourage “short-cuts” between segments of the trail. Bluff edges will be avoided by locating the trail within 50 to 100’ of the short-leafed evax that is located on the edge of the bluff, yet near enough to the bluff to satisfy the public attraction to view the Pacific Ocean without impacting sensitive species and fragile bluff communities.
- Adjacent lands are tilled and farmed to the north and the parcel to the south has a driveway and a residence constructed on the site. The proposed hiking trail is not expected to cause negative

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impacts to sensitive resources within the Reserve or outside of it. The hydrology of the site will not be altered by trail construction. Trails will be located in such a way that impact to sensitive resource will be avoided, and the creation of “social trails” minimized.

- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact.
- The trail will not cause impacts that would degrade adjacent areas; impact will be restricted to the trail footprint. The location of the trail within the coastal prairie/coyote brush scrubland and Bishop pine forest will be designed to minimize erosion and discourage “social trails”. Where soil-types are fragile along the shale band within the transition between upper and lower terraces the grade of the trail will be gradual to prevent degradation by foot traffic.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact. Impacts to riparian vegetation will be isolated to areas where pier blocks are placed at 6-foot intervals on each side of the elevated walkway. Bridge footings will consist of five 8-inch diameter posts driven in a minimum of 3-feet deep and covered by a concrete footing 4-foot wide and 2.8-inch long bars at each end of the bridge. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings. These plants shall be maintained by watering until they are established. No other structures within ESHAs are proposed.
- No trees shall be harvested within the Bishop pine forest. Some limbs may be removed to reduce hazards to hikers and allow hikers to stay on the trail.
- No woody riparian vegetation (willows) will be removed because the crossings will go through natural gaps in the willow gaps. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings.
- No significant obstruction of peak surface water flows from 100-year flood events are expected from construction of the elevated walkway or the bridge.
- The trail and bridge/walkway structures are not expected to have measurable impacts to the hydrologic capacity of the site.
- The trail and bridge/walkway structures are not expected to have measurable impacts to ground water flow within the ESHA buffer zones.
- The proposed ESHA buffers are designed to avoid significant adverse impact to all ESHAs.

The trail has been designed to avoid many of the sensitive habitat areas; however, there are several locations where the trail will traverse through a sensitive habitat area. Mitigation measures such as construction of an elevated pedestrian walkway over these areas and no removal of vegetation as part of the project design result in less than significant impacts to the identified rare plants, animals and habitats.

**Table 2: Impact Analysis and Mitigation Measures**

Impact to ESHA	Mitigation
1) Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> ): foot trail potentially within 50 ft. of ESHA edge will avoid impact to Pt. Reyes ceanothus and habitat that supports this ESHA	Since this is a “Watch List” species (CRPR 4), more information about this plant needs to be obtained. Population status shall be monitored yearly by establishing 1 or 2 permanent photo points.

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2) Supple daisy ( <i>Erigeron supplex</i> ): Sufficient buffers well over 100ft. will help to avoid impact from hikers to the supple daisy. Any off-trail disturbance could potentially degrade supple daisy habitat.	As stated previously, the trail extending through the shale area which supports supple daisy will be constructed to avoid using short cuts. Simple photo plots shall be employed to monitor this rare species yearly.
3) Minute pocket moss ( <i>Fissidens pauperculus</i> ): The location of the minute pocket moss is hidden and far enough from proposed crossing structures to be impacted.	No mitigation necessary
4) Short-leafed evax ( <i>Hesperivax sparsifolia</i> var. <i>brevifolia</i> ): The trail will be constructed sufficiently far from the bluff edge to avoid impact to potential habitat.	No mitigation necessary.
5) Bishop pine ( <i>Pinus muricata</i> ) forest: impact is expected to be restricted to the footprint of the trail.	Mitigating human-caused impacts to the Bishop pine forest shall involve trash cleanup, erasing social trails, and where possible, encouraging natural regeneration.
6) Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> ): Same as #5 above	Same as #5 above
7) Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket: impact will be restricted to vegetation disturbance at footings and abutments of walkways and bridges at two crossings.	Yearly monitoring shall be done at crossing sites to ensure structural integrity is maintained. Any invasive species shall be eradicated on a yearly basis before they become established and spread. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio.

Part of the proposed project will require the installation of a bridge over a seasonal drainage area. Mendocino Land Trust is in the process of obtaining a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife. Mitigation for the loss of the area covered by the footings for the bridge will be required. The objective is to restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area. The site to be restored is within the wetland area directly adjacent to the boardwalk. Annual reporting will be provided to California Department of Fish and Wildlife staff. **Condition 9** is recommended requiring all recommendations from the various biological surveys and resource agencies as conditions of approval.

In summary, although the proposed project minimally impacts biological resources, the project is considered an allowable use within an ESHA area, as the trail will provide nature study opportunities with interpretive signage. Nature study is an allowable use in wetlands, per MCC Section 20.496.025 (A)(10); however, development permitted within a ESHA is subject to the supplemental findings related to resource impacts (discussed later in this document). The proposed trail project would not significantly degrade resources on the parcels, rather it would provide the public the opportunity to learn about and observe some of the natural areas of the Mendocino Coast. There is no feasible less environmentally damaging alternative, as relocation to other areas on the parcel would require significantly more vegetation removal, grading, and disruption of natural areas. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. All feasible mitigation measures are required as conditions of approval to reduce project impacts to a less than significant level. The proposed project is therefore consistent with Mendocino County Code regulations for the protection of natural resources.

### Drainage/Erosion

The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. Potential to alter the existing drainage pattern is greatest with establishment of the parking area; however, the parking area has been designed by a licensed civil engineer, consists primarily of permeable gravel (with only the handicap space and apron being impermeable surfaces) and includes mitigation measures to reduce the potential for erosion and flood-related concerns. **Condition 12** is

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recommended to ensure that the site is developed in accordance with the Parking Plan prepared by the licensed civil engineer.

### California Environmental Quality Act (CEQA)

A draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to CEQA Guidelines Section 15063. The draft environmental document is attached as **ATTACHMENT B - MITIGATED NEGATIVE DECLARATION**. All application materials are available for review at the Fort Bragg office of the Department of Planning and Building Services.

With the implementation of mitigation measures recommended in the Proposed Mitigated Negative Declaration, the proposed development will not have any significant adverse impacts on the environment within the meaning of CEQA.

### Cultural Resources

The applicant submitted two separate Archaeological Survey Reports proposed by Thad Van Bueren with the application. One Survey was completed for APN 027-151-08 (under Mendocino Land Trust ownership) on March 27, 2014 and a secondary Survey was completed for the trail easements on APNs 027-341-07 and 027-341-08 on August 18, 2014. Sites were identified within the project area. The Surveys were reviewed at the June 10, 2015 Mendocino County Archaeological Commission Hearing. Both Surveys were accepted by the Commission; however, additional recommendations were made requiring the applicant to cap the portions of the trail that traverse identified archaeological sites. Capping shall include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline. **Condition 10** is recommended to protect identified sites in perpetuity.

The applicant is also advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

With the inclusion of the recommended conditions of approval, the project is found consistent with protection of paleontological and archaeological resources.

### Coastal Access

Coastal access is regulated under MCC Section 20.528, which provides minimum access standards, methods for securing access and policies related to management of public access trails. The project site is located west of Highway 1, and is designated as a potential public access trail location on the Local Coastal Plan maps (Map #'s 25 and 28). As a condition of permit approval for California Coastal Commission Coastal Development Permits #81-CC-307 and #1-86-22 the landowners of the parcels subject to the Permits were each required to dedicate a twenty-five (25) foot lateral access (Mendocino County Official Records Book 1320 Page 232 and Book 1553 Page 155). The twenty-five (25) foot lateral access is consistent with the minimum access standards contained in MCC Section 20.528.015. In order for the proposed project to be consistent with the requirements in Mendocino County Code, **Condition 11** is recommended requiring the applicant to provide an Accessway Management Plan, prior to the issuance of the building permits on the parcel.

The proposed project would open a public access trail on parcels designated for such a use under the Local Coastal Plan maps and is therefore consistent with the public access goals of Chapter 3 of the California Coastal Act and Mendocino County Coastal Element of the General Plan.

**PROJECT DETERMINATION FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, based on the following findings and conditions.

**REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:**

1. The proposed development is in conformity with the certified Local Coastal Program. The proposed project for construction of a public access trail is in conformity with accomplishing the goals and policies of the certified Local Coastal Program. Coastal access is ranked as the highest priority use in the Coastal Zone. The proposed use is consistent with the intent of the RMR zoning district and meets the standards for public access; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project does not proposed the use of utilities at this time. Access shall be provided directly off of Highway 1 and will be developed consistent with the Caltrans standards for access. Parking will be provided on-site to ensure that the opening of the public access trail does not become a public nuisance by creating a hazardous situation on Highway 1. The project has been designed to reduce the alteration of natural landforms to the greatest extent practicable and to use permeable surfaces to increase stormwater infiltration. The bridge and parking area have both been designed by a licensed civil engineer. As a condition of approval, an Accessway Management Plan shall be created and approved by the Department of Planning and Building Services; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. The proposed passive recreation use of the parcel is a principally permitted use within the zoning district and is consistent with the intent of the RMR district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act; an Initial Study has been completed and adoption of a Mitigated Negative Declaration is recommended; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The standard discovery clause is recommended as a condition of approval directing the applicant to cease work and contact the Director of Planning and Building Services if archaeological sites or artifacts are discovered during construction and additionally the Mendocino County Archaeological Commission recommended capping the trail portions over identified archaeological sites to reduce potential impacts; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development. The proposed project does not include any residential development that will require solid waste service; however, the proposed project is to provide a public access trail and it is anticipated that public use of the trail will generate some amount of solid waste. An Accessway Management Plan is required to be completed by the applicant under Condition 11 and shall include information on the maintenance and operation of the site. The increase in traffic volume associated with the development proposed in the application will be negligible. The existing roadways and proposed private access are adequate to serve the proposed development; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan. The subject permit requests construction of a public access trail. The applicant shall provide an Accessway Management Plan, in conformity with the public access section of Mendocino County Code. The proposed project helps accomplish the goals of the Coastal Act and the Mendocino County Local Coastal Program by increasing public access to and along the coastline.
8. The resources identified will not be significantly degraded by the proposed development; there is no feasible less environmentally damaging alternative; and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. The proposed project has the potential to impact biological resources but is considered an allowable use within an ESHA area, as

## Exhibit 4: Mitigated Negative Declaration

the trail will provide nature study opportunities with interpretive signage. Nature study is an allowable use in wetlands, per MCC Section 20.496.025 (A)(10). The proposed trail project will not significantly degrade the resources on the parcel, rather it will provide the public the opportunity to learn about and observe some of the natural areas of the Mendocino Coast. There is no feasible less environmentally damaging alternative, as relocation to other areas on the parcel would require significantly more vegetation removal, grading, and disruption of natural areas. The selected alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. All feasible mitigation measures are required as conditions of approval to reduce project impacts to a less than significant levels.

### CONDITIONS OF APPROVAL:

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of

## Exhibit 4: Mitigated Negative Declaration

Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

9. In order to provide for the protection of Natural Resources, the following shall be completed by the applicant:
  - a. The populations of Pt. Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), short-leaved evax (*Hesperis matronalis* var. *brevifolia*), and supple daisy (*Erigeron supplex*) shall be monitored yearly. One or two permanent photo points shall be established with yearly monitoring for five years following project approval. Results of the monitoring shall be submitted to the Department of Planning and Building Services annually. Care shall be taken when performing the yearly monitoring to not approach the sites from the established trail as this could invite others to explore and potentially impact the ESHA.
  - b. The Arroyo (*Salix lasiolepis*) and Sitka (*Salix sitchensis*) willow thicket shall be monitored yearly at the crossing sites to ensure structural integrity is maintained. Hand removal of invasive species shall be completed on a yearly basis before they become established and spread. Herbaceous vegetation that is impacted from the walkway construction shall be replaced at a 1:1 ratio.
  - c. California Department of Fish and Wildlife confirmed that a minimum of a fifty (50) foot buffer shall be maintained between proposed improvements and identified ESHA, except for the resources where the trail must cross within fifty (50) feet. Only those resources specifically outlined in the staff report shall have a buffer of less than fifty (50) feet.
  - d. Restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area.
    - i. The site to be restored shall be within the wetland area directly adjacent to the boardwalk. Mendocino Land Trust shall delineate (flag or stake), photo-document and provide a map of the restoration area; compile a plant species list; and estimate cover of native plants and non-native plants within the restoration area.
    - ii. The mitigation plan shall be in effect for no less than five (5) years. Within the mitigation area, non-native plants shall be removed to encourage the spread and establishment of nearby native plants. After initial removal of non-native plants, follow-up work shall occur on a quarterly basis or as necessary (at the discretion of the California Department of Fish and Wildlife). On at least a quarterly basis, Mendocino Land Trust shall monitor the project site, including photo-documentation and an estimate of native and non-native plant cover. On at least an annual basis, this information shall be compiled and reported to the California Department of Fish and Wildlife.
    - iii. Success Criteria/Performance Standards are at the discretion of the California Department of Fish and Wildlife and the stipulations of the Lake and Streambed Alteration Agreement obtained by Mendocino Land Trust.
10. The proposed trail shall be capped over those portions of trail that traverse the archaeological sites identified in the March 27, 2014 and August 18, 2014 Archaeological Surveys by Thad Van Bueren. Capping shall include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline.
11. Prior to issuance of the building permit, the applicants shall submit an Accessway Management Plan for the trail and associated improvements on the Pelican Bluffs parcel. At a minimum, the Accessway Management Plan shall:
  - a. Provide a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
  - b. Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;

## Exhibit 4: Mitigated Negative Declaration

- c. Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
  - d. Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g. guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).
12. All Construction Notes on the Pelican Bluffs Parking Plan shall be complied with during construction of the parking area. If deviation from the Construction Notes is required, such deviation shall only be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer. Construction Notes are as follows:
  - a. No construction shall commence without prior approval of the County of Mendocino's Supervising Engineer and California Department of Transportation.
  - b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
  - c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.
  - d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
  - e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
  - f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
  - g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
  - h. Site work can only proceed and must be completed during the dry season, April 15 to October 14.
  - i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of Mendocino Land Trust easements that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. Existing shrubs of Baccharis shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.
  - j. Contractor shall install and maintain erosion control measures shown on the parking plan, prior to grading operations.
  - k. Prior to placement of aggregate base course material at paved areas, compact subsoil to 95 percent of its maximum dry density at optimum water content (-1 percent + 3 percent) in accordance with ASTM D1557 to the depth as indicated on the Drawings, but not less than 36 inches. At least 24 inches of excavation is required with soil replaced in 12 inch lifts, each compacted.
  - l. Fill material shall meet Caltrans aggregate subbase (AS) or crushed miscellaneous base (CMB) requirements or a class 3 soil fill meeting the Engineer's requirement, in coordination with the amount of geotextile placed.
  - m. Compaction of fill shall meet 95 % of fill material dry density, confirmed per Caltrans test method #231, or the equivalent ASTM Standard Penetration Test procedure.
  - n. Compaction of fill shall be in 12 inch max lifts, with geotextile reinforcement to be determined. Lifts shall approximate the finished plane, so the upper layers can have full runs of geotextile.
  - o. Compaction testing shall be undertaken at existing soils before placement of imported fill, and at the completion of fill operations, before placement of rock surface and paving base course.

## Exhibit 4: Mitigated Negative Declaration

- p. Rocked surface and paving base shall meet Caltrans Class 2 Aggregate Requirements. Paving materials and execution shall match Caltrans requirements.
  - q. Pavement marking paint material shall meet Caltrans specification PTH-02ALKYD, with reflective spheres meeting Caltrans specification 8010-004.
  - r. Stop bar and marking, and stop sign and installation shall meet 2012 California Manual on Uniform Traffic Control Devices. Include the installation of 2 similar sign posts to be supplied by Mendocino Land Trust.
13. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Staff Report Prepared By:

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DATE

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JULIA ACKER  
PLANNER I

JA/at  
October 9, 2015

### Mitigated Negative Declaration

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission’s receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 (For an appeal to the Mendocino County Board of Supervisors.)

### **ATTACHMENTS:**

- A- Coastal Permit Approval Checklist
- B- CEQA Initial Study/Mitigated Negative Declaration
- C- Location Map
- D- Topographic Map
- E- 2014 NAIP Aerial Orthophoto (Wide)
- F- 2014 NAIP Aerial Orthophoto
- G- Site Plan [03-13-2015]
- H- Site Plan Detail
- I- Parking Layout
- J- Bridge Design
- K- Pier Diagram
- L- Elevation & Deck Plan

## Exhibit 4: Mitigated Negative Declaration

- M- Header Installation Plan
- N- Joist Installation Plan
- O- Joist-to-Header Design Plan
- P- Trailway Excavation Plan
- Q- Step Calculations
- R- Zoning Display Map
- S- General Plan Classifications
- T- LCP Map 25 & 28
- U- Adjacent Parcels
- V- Fire Hazard Zones & Responsibility Areas
- W- Coastal Ground Water Resources
- X- Highly Scenic & Tree Removal Areas
- Y- Local Soils
- Z- Lands in Williamson Act Contracts
- AA- Classified Wetlands
- BB- Earthquake Fault Zones

**COASTAL PERMIT APPROVAL CHECKLIST  
CDP\_2014-0042 (MENDOCINO LAND TRUST)  
NOVEMBER 18, 2015**

**PROJECT TITLE:** CDP\_2014-0042 (MENDOCINO LAND TRUST)

**PROJECT LOCATION:** Located between post miles 14.26 and 13.86 and including two public access easements at 26300 and 26600 South Highway 1 (APNs: 027-151-08 (Mendocino Land Trust), 027-341-07 (LaFranchi), and 027-341-08 (Ferrara)).

**LEAD AGENCY NAME, ADDRESS AND CONTACT PERSON:** Julia Acker  
Mendocino County Planning and Building Services  
120 West Fir Street, Fort Bragg, California 95437  
707-964-5379

**GENERAL PLAN DESIGNATION:** Remote Residential (RMR)

**ZONING DISTRICT** Remote Residential (RMR), Floodplain combining district (FP), forty (40) acre minimum lot size

**DESCRIPTION OF PROJECT:** The project is for the construction of an approximately two (2) mile public access trail along Pelican Bluffs. Construction of the trail will require the installation of a parking area, foot-bridge, approximately one hundred (100) steps, approximately eighty (80) feet of boardwalk, approximately ten (10) interpretive and management signs, two (2) benches, and two (2) picnic tables. The Pelican Bluffs trail will loop around the property from the trailhead in the northeast corner of the property west towards the bluff, where it will follow the western property boundary before looping back to the trailhead. The trail will also extend south within 25-foot public access easements on private property (APNs: 027-341-07 (LaFranchi) and 027-341-08 (Ferrara)) for a total length of approximately two (2) miles. Public access easements are held by Moat Creek Managing Agency, a partner organization of Mendocino Land Trust.

**SITE DESCRIPTION AND SETTING:** The 73.05 acre subject parcel is situated approximately one mile south of the City of Point Arena, on the west side of Highway 1, approximately 660 feet south of its intersection with Curley Lane (CR 504A). The proposed project includes two 25-foot public access easements on adjacent parcels. The site is surrounded by primarily agricultural uses. The subject parcels are mixed in terms of existing development: vacant (APN 027-151-08), agricultural (APN 027-341-07), and residential (APN 027-341-08).

**DETERMINATION:** The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Exhibit 4: Mitigated Negative Declaration

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

*Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

**General Plan Land Use – Remote Residential**

The subject parcel is classified as Remote Residential by the Coastal Element of the Mendocino County General Plan, which is intended “to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses” (Chapter 2 of the County of Mendocino Coastal Element). The principally permitted use designated for the Remote Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation” (Chapter 2 of the County of Mendocino Coastal Element).

The parcel is currently vacant. The application proposes a public access trail with associated improvements. Passive recreation is a principally permitted use within the Remote Residential classification and is therefore consistent with the district.

**Hazards**

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas fault is located approximately three (3) miles to the northeast of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure

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3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: The subject property is located west of the highway and slopes gently toward the bluff edge. There are no translational/rotational or debris slides mapped on the subject parcel.

Erosion: The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. Potential to alter the existing drainage pattern is greatest with construction of the parking area; however, the parking area consists primarily of permeable gravel (with only the handicap space and apron being impermeable surfaces) and includes mitigation measures to reduce the potential for erosion and flooding related concerns.

Flooding: The project is not for residential development and further is located outside the mapped 100-year flood hazard area of the parcel, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

Fire: The project is located in an area that has a moderate fire hazard severity rating (along bluff edge) and a high fire hazard severity rating elsewhere on the parcel, as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred to the Redwood Coast Fire Protection District and California Department of Forestry and Fire Protection (CalFire) for comment. CalFire stated that they had no comments for the proposed project. The Redwood Coast Fire Protection District did not return the referral for this project. Staff believes the proposed project has a minimal potential to expose people and facilities to unnecessary fire hazard.

### **Visual Resources**

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504.

The project is located in an area that is designated Highly Scenic by the Local Coastal Program and is subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent development criteria include protection of public coastal views, siting of structures on the parcel, and location of access roads in areas where they cause minimal visual impact. The proposed project has been designed to be consistent with the criteria for development in a Highly Scenic Area. Public coastal views are protected; the trail location is largely hidden from view, and would be developed to minimize the alteration of natural landforms and to limit the number of structures installed above grade. Additionally, the proposed access road has been located as close as feasible to existing access roads for adjacent properties, limiting the visual impact of the additional access.

No exterior lighting is proposed as part of this application. Signage will be painted to reduce any potential for glare related impacts from the project.

The proposed project is therefore consistent with the criteria for development in a Highly Scenic Area.

### **Natural Resources**

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Several studies were prepared in association with this project, a Botanical Survey Report, Point Arena Mountain Beaver Survey, and a Reduced Buffer Zone Analysis. The 73.05 acre site contains several areas of sensitive habitats. Identified sensitive habitats on the site are as follows: Point Arena Mountain Beaver (*Aplodontia rufa nigra*), a Federally Listed Endangered Species; Supple daisy (*Erigeron supplex*), a California rare plant; Short-leaved evax (*Hesperivax sparsiflora* var. *brevifolia*), a California rare plant; Point Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), a California rare plant; Minute pocket-moss (*Fissidens pauperculus*), a California rare plant; Arroyo (*Salix lasiolepis*) and Sitka (*S. Sitchensis*) willow pocket thicket, a supportive community to wetland species and riparian habitat; Bishop pine forest/Pacific reed grass (*Pinus muricata*/*Calamagrostis nutkaensis*), a rare plant community; and Bishop pine forest (*Pinus muricata*), a rare plant community.

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Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet. Table 1, taken from the Reduced Buffer Zone Analysis document, describes the buffer distance to identified sensitive habitats and recommended actions. Please note that the Point Arena Mountain Beaver is not included in the table as the analysis was done separately and all proposed improvements will maintain a greater than one-hundred (100) foot buffer to identified Point Arena Mountain Beaver habitat.

**Table 1. ESHAs and Recommended Actions**

ESHAs	Reduced Buffer	Recommended Action
Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> )	50 – 100 ft.	A "Watch List" species (CRPR 4), more information about this plant needs to be obtained. It has no state or federal protection status. Trail proposed within 50 ft, designed to maximize buffer width of the adjacent and rarer supple daisy.
Supple daisy ( <i>Erigeron supplex</i> )	> 100 ft.	No compensation necessary
Minute pocket moss ( <i>Fissidens pauperculus</i> )	> 100 ft.	No compensation necessary
Short-leaved evax ( <i>Hesper-evax sparsifolia</i> var. <i>brevifolia</i> )	50 – 100 ft.	No trail will be constructed within 50 feet of the short-leaved evax occurrence.
Bishop pine ( <i>Pinus muricata</i> ) forest	No buffer	No trees will be removed. Trail will be designed to discourage off trail use to minimize impacts to understory plant community.
Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> )	Not less than 50 ft.	Trail will be designed to discourage off trail use. A 50 ft. buffer is adequate to prevent impact to the forest/grassland association.
Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket	No buffer	Construction of elevated pedestrian walkways to avoid impact to understory vegetation. The walkways will utilize natural gaps in willow cover along the seasonal drainage.

While a reduced buffer analysis was completed for the proposed project, the proposed trail alignment will still traverse through an ESHA. In order to permit development within a buffer area, the proposed project must comply with MCC Section 20.496.020(A)(4). The proposed project is consistent with the policies related to development within an ESHA buffer for the following reasons:

- While human activity levels will be increased by the acquisition of this site for public use and the construction of trails, these activities will be directed to walkways and trails that avoid all sensitive resources. Prior use of this parcel was a cattle ranch where cattle roamed freely throughout the parcel resulting in considerable ecological damage, displacement of native species, and, establishment of invasive exotics.
- The proposed trail will be compatible with the function and ability of the ESHAs to self-sustain.
- Trail development shall be located in a way that will minimize impacts to all ESHAs. Gradual sloping of trails and switchbacks will be employed to minimize erosion. Where switchbacks occur trails will be designed to employ visual obscuration of the lower segment of the trail to discourage "short-cuts" between segments of the trail. Bluff edges will be avoided by locating the trail within 50 to 100' of the short-leaved evax that is

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located on the edge of the bluff, yet near enough to the bluff to satisfy the public attraction to view the Pacific Ocean without impacting sensitive species and fragile bluff communities.

- Adjacent lands are tilled and farmed to the north and the parcel to the south has a driveway and a residence constructed on the site. The proposed hiking trail is not expected to cause negative impacts to sensitive resources within the Reserve or outside of it. The hydrology of the site will not be altered by trail construction. Trails will be located in such a way that impact to sensitive resource will be avoided, and the creation of “social trails” minimized.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact.
- The trail will not cause impacts that would degrade adjacent areas; impact will be restricted to the trail footprint. The location of the trail within the coastal prairie/coyote brush scrubland and Bishop pine forest will be designed to minimize erosion and discourage “social trails”. Where soil-types are fragile along the shale band within the transition between upper and lower terraces the grade of the trail will be gradual to prevent degradation by foot traffic.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact. Impacts to riparian vegetation will be isolated to areas where pier blocks are placed at 6-foot intervals on each side of the elevated walkway. Bridge footings will consist of five 8-inch diameter posts driven in a minimum of 3-feet deep and covered by a concrete footing 4-foot wide and 2.8-inch long bars at each end of the bridge. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings. These plants shall be maintained by watering until they are established. No other structures within ESHAs are proposed.
- No trees shall be harvested within the Bishop pine forest. Some limbs may be removed to reduce hazards to hikers and allow hikers to stay on the trail.
- No woody riparian vegetation (willows) will be removed because the crossings will go through natural gaps in the willow gaps. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings.
- No significant obstruction of peak surface water flows from 100-year flood events are expected from construction of the elevated walkway or the bridge.
- The trail and bridge/walkway structures are not expected to have measurable impacts to the hydrologic capacity of the site.
- The trail and bridge/walkway structures are not expected to have measurable impacts to ground water flow within the ESHA buffer zones.
- The proposed ESHA buffers are designed to avoid significant adverse impact to all ESHAs.

The trail has been designed to avoid many of the sensitive habitat areas; however, there are several locations where the trail will traverse through a sensitive habitat area. Mitigation measures such as construction of an elevated pedestrian walkway over these areas and no removal of vegetation as part of the project design result in less than significant impacts to the identified rare plants, animals and habitats.

**Table 2: Impact Analysis and Mitigation Measures**

Impact to ESHA	Mitigation
1) Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> ): foot trail potentially within 50 ft. of ESHA edge will avoid impact to Pt. Reyes ceanothus and habitat that supports this ESHA	Since this is a "Watch List" species (CRPR 4), more information about this plant needs to be obtained. Population status shall be monitored yearly by establishing 1 or 2 permanent photo points.
2) Supple daisy ( <i>Erigeron supplex</i> ): Sufficient buffers well over 100ft. will help to avoid impact from hikers to the supple daisy. Any off-trail disturbance could potentially degrade supple daisy habitat.	As stated previously, the trail extending through the shale area which supports supple daisy will be constructed to avoid using short cuts. Simple photo plots shall be employed to monitor this rare species yearly.
3) Minute pocket moss ( <i>Fissidens pauperculus</i> ): The location of the minute pocket moss is hidden and far enough from proposed crossing structures to be impacted.	No mitigation necessary
4) Short-leaved evax ( <i>Hesperervax sparsifolia</i> var. <i>brevifolia</i> ): The trail will be constructed sufficiently far from the bluff edge to avoid impact to potential habitat.	No mitigation necessary.
5) Bishop pine ( <i>Pinus muricata</i> ) forest: impact is expected to be restricted to the footprint of the trail.	Mitigating human-caused impacts to the Bishop pine forest shall involve trash cleanup, erasing social trails, and where possible, encouraging natural regeneration.
6) Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> ): Same as #5 above	Same as #5 above
7) Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket: impact will be restricted to vegetation disturbance at footings and abutments of walkways and bridges at two crossings.	Yearly monitoring shall be done at crossing sites to ensure structural integrity is maintained. Any invasive species shall be eradicated on a yearly basis before they become established and spread. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio.

Part of the proposed project will require the installation of a bridge over a seasonal drainage area. Mendocino Land Trust is in the process of obtaining a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife. Mitigation for the loss of the area covered by the footings for the bridge will be required. The objective is to restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area. The site to be restored is within the wetland area directly adjacent to the boardwalk. Annual reporting will be provided to California Department of Fish and Wildlife staff. **Condition 9** is recommended requiring all recommendations from the various biological surveys and resource agencies as conditions of approval.

**Condition 9:** In order to provide for the protection of Natural Resources, the following shall be completed by the applicant:

- a. The populations of Pt. Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), short-leaved evax (*Hesperervax sparsifolia* var. *brevifolia*), and supple daisy (*Erigeron supplex*) shall be monitored yearly. One or two permanent photo points shall be established with yearly monitoring for five years following project approval. Results of the monitoring shall be submitted to the Department of Planning and Building Services annually. Care shall be taken when performing the yearly monitoring to not approach the sites from the established trail as this could invite others to explore and potentially impact the ESHA.
- b. The Arroyo (*Salix lasiolepis*) and Sitka (*Salix sitchensis*) willow thicket shall be monitored yearly at the crossing sites to ensure structural integrity is maintained. Hand removal of invasive species shall be

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completed on a yearly basis before they become established and spread. Herbaceous vegetation that is impacted from the walkway construction shall be replaced at a 1:1 ratio.

- c. California Department of Fish and Wildlife confirmed that a minimum of a fifty (50) foot buffer shall be maintained between proposed improvements and identified ESHA, except for the resources where the trail must cross within fifty (50) feet. Only those resources specifically outlined in the staff report shall have a buffer of less than fifty (50) feet.
- d. Restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area.
  - i. The site to be restored shall be within the wetland area directly adjacent to the boardwalk. Mendocino Land Trust shall delineate (flag or stake), photo-document and provide a map of the restoration area; compile a plant species list; and estimate cover of native plants and non-native plants within the restoration area.
  - ii. The mitigation plan shall be in effect for no less than five (5) years. Within the mitigation area, non-native plants shall be removed to encourage the spread and establishment of nearby native plants. After initial removal of non-native plants, follow-up work shall occur on a quarterly basis or as necessary (at the discretion of the California Department of Fish and Wildlife). On at least a quarterly basis, Mendocino Land Trust shall monitor the project site, including photo-documentation and an estimate of native and non-native plant cover. On at least an annual basis, this information shall be compiled and reported to the California Department of Fish and Wildlife.
  - iii. Success Criteria/Performance Standards are at the discretion of the California Department of Fish and Wildlife and the stipulations of the Lake and Streambed Alteration Agreement obtained by Mendocino Land Trust.

In summary, although the proposed project minimally impacts biological resources, the project is considered an allowable use within an ESHA area, as the trail will provide nature study opportunities with interpretive signage. Nature study is an allowable use in wetlands, per MCC Section 20.496.025 (A)(10); however, development permitted within a ESHA is subject to the supplemental findings related to resource impacts (discussed later in this document). The proposed trail project would not significantly degrade resources on the parcels, rather it would provide the public the opportunity to learn about and observe some of the natural areas of the Mendocino Coast. There is no feasible less environmentally damaging alternative, as relocation to other areas on the parcel would require significantly more vegetation removal, grading, and disruption of natural areas. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. All feasible mitigation measures are required as conditions of approval to reduce project impacts to a less than significant level. The proposed project is therefore consistent with Mendocino County Code regulations for the protection of natural resources.

**20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

*Consistent (with conditions of approval)*

Utilities: No utilities are proposed as part of this project.

Access Roads: The parcel is currently provided access off of Highway 1. The proposed public access trail was referred to the California Department of Transportation (Caltrans) for comment; however, no response was received. Staff notes that the applicant has been in continuous discussion with Caltrans regarding the proposed encroachment from the beginning of the project. Caltrans determined the proposed location to be the best location on the parcel for access. A parking plan has been prepared for the project. Prior to commencement of work, the applicant shall obtain an encroachment permit from Caltrans, as required by **Condition 4**.

Drainage: Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion. The proposed project is designed to minimize to the maximum extent feasible the

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alteration of natural landforms. Potential to alter the existing drainage pattern is greatest with establishment of the parking area. The parking area, designed by a licensed civil engineer, consists primarily of permeable gravel (with only the handicap space and apron being impermeable surfaces) and includes mitigation measures to reduce the potential for erosion and flood-related concerns. **Condition 12** is recommended to ensure that the site is developed in accordance with the Parking Plan prepared by the licensed civil engineer.

**Condition 12:** All Construction Notes on the Pelican Bluffs Parking Plan shall be complied with during construction of the parking area. If deviation from the Construction Notes is required, such deviation shall only be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer. Construction Notes are as follows:

- a. No construction shall commence without prior approval of the County of Mendocino's Supervising Engineer and California Department of Transportation.
- b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
- c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.
- d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
- e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
- f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
- g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
- h. Site work can only proceed and must be completed during the dry season, April 15 to October 14.
- i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of Mendocino Land Trust easements that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. Existing shrubs of Baccharis shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.
- j. Contractor shall install and maintain erosion control measures shown on the parking plan, prior to grading operations.
- k. Prior to placement of aggregate base course material at paved areas, compact subsoil to 95 percent of its maximum dry density at optimum water content (-1 percent + 3 percent) in accordance with ASTM D1557 to the depth as indicated on the Drawings, but not less than 36 inches. At least 24 inches of excavation is required with soil replaced in 12 inch lifts, each compacted.
- l. Fill material shall meet Caltrans aggregate subbase (AS) or crushed miscellaneous base (CMB) requirements or a class 3 soil fill meeting the Engineer's requirement, in coordination with the amount of geotextile placed.
- m. Compaction of fill shall meet 95 % of fill material dry density, confirmed per Caltrans test method #231, or the equivalent ASTM Standard Penetration Test procedure.
- n. Compaction of fill shall be in 12 inch max lifts, with geotextile reinforcement to be determined. Lifts shall approximate the finished plane, so the upper layers can have full runs of geotextile.
- o. Compaction testing shall be undertaken at existing soils before placement of imported fill, and at the completion of fill operations, before placement of rock surface and paving base course.
- p. Rocked surface and paving base shall meet Caltrans Class 2 Aggregate Requirements. Paving materials and execution shall match Caltrans requirements.
- q. Pavement marking paint material shall meet Caltrans specification PTH-02ALKYD, with reflective spheres meeting Caltrans specification 8010-004.

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- r. Stop bar and marking, and stop sign and installation shall meet 2012 California Manual on Uniform Traffic Control Devices. Include the installation of 2 similar sign posts to be supplied by Mendocino Land Trust.

**20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

*Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Remote Residential as shown on the Zoning Display Map. The intent of the Remote Residential zoning district is “to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred” (MCC Section 20.380.005). The property is currently vacant with a public access trail proposed. The passive recreational use of the parcel is consistent with the intent of the Remote Residential zoning district.

Use: The subject parcel is zoned Remote Residential as shown on the Zoning Display Map. The applicant proposes the construction of a public access trail with associated improvements. The proposed use is classified as passive recreation in Mendocino County Code. Passive recreation is a principally permitted use within the Remote Residential zoning district.

Density: The maximum dwelling density in the Remote Residential zoning district is one single family dwelling per forty (40) acres except as provided pursuant to Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach), and Section 20.460.040 (Family Care Unit) (MCC Section 20.380.025 (A)). The existing and proposed development does not conflict with the dwelling density standards of the Remote Residential zoning district.

Yards: The minimum required front, side, and rear yards in the Remote Residential zoning district for a parcel of this size are fifty (50) feet from all property boundaries (MCC Section 20.380.030 and MCC Section 20.380.035). The proposed public access trail with associated improvements is consistent with the yard setback requirements of the Remote Residential zoning district.

Height: The maximum permitted building height for structures in the Remote Residential zoning district and Highly Scenic Area is eighteen (18) feet (MCC Section 20.380.045). The proposed project consists of a public access trail with associated improvements. The maximum height of proposed improvements is less than ten (10) feet; therefore, the proposed project is consistent with the permitted maximum height in the Remote Residential zoning district.

Lot Coverage: The maximum permitted lot coverage in the Remote Residential zoning district is ten (10) percent for a parcel of this size (MCC Section 20.380.050). The parcel is approximately 3,182,058 square feet, allowing for a maximum permitted lot coverage of approximately 318,205 square feet. The proposed project consists of a public access trail with associated improvements; the trail will be approximately five feet in width and two miles in length. With the inclusion of the parking area in addition to the trail, the lot coverage on the parcel would be less than 60,000 square feet for a lot coverage percentage of approximately two (2) percent. The proposed development is consistent with the lot coverage requirements of the Remote Residential zoning district.

**20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

*Consistent (without conditions of approval)*

A draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to CEQA Guidelines Section 15063. The draft environmental document is attached as **ATTACHMENT B - MITIGATED NEGATIVE DECLARATION**. All application materials are available for review at the Fort Bragg office of the Department of Planning and Building Services.

With the implementation of mitigation measures recommended in the Proposed Mitigated Negative Declaration, the proposed development will not have any significant adverse impacts on the environment within the meaning of CEQA.

**20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

*Consistent (with conditions of approval)*

The applicant submitted two separate Archaeological Survey Reports prepared by Thad Van Bueren with the application. One Survey was completed for APN 027-151-08 (under Mendocino Land Trust ownership) on March 27, 2014 and a secondary Survey was completed for the trail easements on APNs 027-341-07 and 027-341-08 on August 18, 2014. Sites were identified within the project area. The Surveys were reviewed at the June 10, 2015 Mendocino County Archaeological Commission Hearing. Both Surveys were accepted by the Commission; however, additional recommendations were made requiring the applicant to cap the portions of the trail that traverse identified archaeological sites. Capping shall include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline. **Condition 10** is recommended to protect identified sites in perpetuity.

**Condition 10:** The proposed trail shall be capped over those portions of trail that traverse the archaeological sites identified in the March 27, 2014 and August 18, 2014 Archaeological Survey's by Thad Van Bueren. Capping shall include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline.

The applicant is also advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

**Condition 8:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with protection of paleontological and archaeological resources.

**20.532.095(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

*Consistent (with conditions of approval)*

Solid Waste: The proposed project is to provide a public access trail and it is anticipated that public use of the trail will generate some amount of solid waste. An Accessway Management Plan is required to be completed by the applicant under **Condition 11** and shall include information on the maintenance and operation of the site.

**Condition 11:** Prior to issuance of the building permit, the applicants shall submit an Accessway Management Plan for the trail and associated improvements on the Pelican Bluffs parcel. At a minimum, the Accessway Management Plan shall:

- a. Provide a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
- b. Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;

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- c. Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
- d. Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g. guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible. Additionally, Mendocino Department of Transportation and Caltrans reviewed the application and did not state concerns relating to roadway capacity. The existing roadways and proposed private access are adequate to serve the proposed development.

**20.532.095(B)(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

*Consistent (with conditions of approval)*

Coastal access is regulated under MCC Section 20.528, which provides minimum access standards, methods for securing access and policies related to management of public access trails. The project site is located west of Highway 1, and is designated as a potential public access trail location on the Local Coastal Plan maps (Map #'s 25 and 28). As a condition of permit approval for California Coastal Commission Coastal Development Permits #81-CC-307 and #1-86-22 the landowners of the parcels subject to the Permits were each required to dedicate a twenty-five (25) foot lateral access (Mendocino County Official Records Book 1320 Page 232 and Book 1553 Page 155). The twenty-five (25) foot lateral access is consistent with the minimum access standards contained in MCC Section 20.528.015. In order for the proposed project to be consistent with the requirements in Mendocino County Code, **Condition 11** is recommended requiring the applicant to provide an Accessway Management Plan, prior to the issuance of the building permits on the parcel.

The proposed project would open a public access trail on parcels designated for such a use under the Local Coastal Plan maps and is therefore consistent with the public access goals of Chapter 3 of the California Coastal Act and Mendocino County Coastal Element of the General Plan.

<b>20.532.100 (A) Resource Protection Impact Findings</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion of Findings**

**20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

*Consistent (with conditions of approval)*

Several studies were prepared in association with this project: a Botanical Survey Report, Point Arena Mountain Beaver Survey, and a Reduced Buffer Zone Analysis. The 73.05 acre site contains several areas of sensitive habitats. Identified sensitive habitats on the site are as follows: Point Arena Mountain Beaver (*Aplodontia rufa nigra*), a Federally Listed Endangered Species; Supple daisy (*Erigeron supplex*), a California rare plant; Short-leaved evax (*Hesperevax sparsiflora* var. *brevifolia*), a California rare plant; Point Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), a California rare plant; Minute pocket-moss (*Fissidens pauperculus*), a California rare

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plant; Arroyo (*Salix lasiolepis*) and Sitka (*S. Sitchensis*) willow thicket, a supportive community to wetland species and riparian habitat; Bishop pine forest/Pacific reed grass (*Pinus muricata/Calamagrostis nutkaensis*), a rare plant community; and Bishop pine forest (*Pinus muricata*), a rare plant community.

Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet. Table 1, taken from the Reduced Buffer Zone Analysis document, describes the buffer distance to identified sensitive habitats and recommended actions. Please note that the Point Arena Mountain Beaver is not included in the table as the analysis was done separately and all proposed improvements will maintain a greater than one-hundred (100) foot buffer to identified habitat.

**Table 1. ESHAs and Recommended Actions**

ESHAs	Reduced Buffer	Recommended Action
Pt. Reyes ceanothus ( <i>Ceanothus gloriosus var. gloriosus</i> )	50 – 100 ft.	A “Watch List” species (CRPR 4), more information about this plant needs to be obtained. It has no state or federal protection status. Trail proposed within 50 ft, designed to maximize buffer width of the adjacent and rarer supple daisy.
Supple daisy ( <i>Erigeron supplex</i> )	> 100 ft.	No compensation necessary
Minute pocket moss ( <i>Fissidens pauperculus</i> )	> 100 ft.	No compensation necessary
Short-leaved evax ( <i>Hesperevax sparsifolia var. brevifolia</i> )	50 – 100 ft.	No trail will be constructed within 50 feet of the short-leaved evax occurrence.
Bishop pine ( <i>Pinus muricata</i> ) forest	No buffer	No trees will be removed. Trail will be designed to discourage off trail use to minimize impacts to understory plant community.
Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> )	Not less than 50 ft.	Trail will be designed to discourage off trail use. A 50 ft. buffer is adequate to prevent impact to the forest/grassland association.
Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket	No buffer	Construction of elevated pedestrian walkways to avoid impact to understory vegetation. The walkways will utilize natural gaps in willow cover along the seasonal drainage.

While a reduced buffer analysis was completed for the proposed project, the proposed trail alignment will still traverse through an ESHA. In order to permit development within a buffer area, the proposed project must comply with MCC Section 20.496.020(A)(4). The proposed project is consistent with the policies related to development within an ESHA buffer because the proposed public access trail will:

- While human activity levels will be increased by the acquisition of this site for public use and the construction of trails, these activities will be directed to walkways and trails that avoid all sensitive resources. Prior use of this parcel was a cattle ranch where cattle roamed freely throughout the parcel resulting in considerable ecological damage, displacement of native species, and, establishment of invasive exotics.
- The proposed trail will be compatible with the function and ability of the ESHAs to self-sustain.

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- Trail development shall be located in a way that will minimize impacts to all ESHAs. Gradual sloping of trails and switchbacks will be employed to minimize erosion. Where switchbacks occur trails will be designed to employ visual obscuration of the lower segment of the trail to discourage “short-cuts’ between segments of the trail. Bluff edges will be avoided by locating the trail within 50 to 100’ of the short-leaved exav that is located on the edge of the bluff, yet near enough to the bluff to satisfy the public attraction to view the Pacific Ocean without impacting sensitive species and fragile bluff communities.
- Adjacent lands are tilled and farmed to the north and the parcel to the south has a driveway and a residence constructed on the site. The proposed hiking trail is not expected to cause negative impacts to the sensitive resources within the Reserve or outside of it. The hydrology of the site will not be altered by trail construction. Trails will be located in such a way that impact to sensitive resource will be avoided, and the creation of “social trails” minimized.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact.
- The trail will not cause impacts that would degrade adjacent areas; impact will be restricted to the trail footprint. The location of the trail within the coastal prairie/ coyote brush scrubland and Bishop pine forest will be designed to minimize erosion and discourage “social trails”. Where soil-types are fragile along the shale band within the transition between upper and lower terraces the grade of the trail will be gradual to prevent degradation by foot traffic.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact. Impacts to riparian vegetation will be isolated to areas where pier blocks are placed at 6-foot intervals on each side of the elevated walkway. Bridge footings will consist of five 8-inch diameter posts driven in a minimum of 3-feet deep and covered by a concrete footing 4-foot wide and 2.8-inch long bars at each end of the bridge. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings. These plants shall be maintained by watering until they are established. No other structures within ESHAs are proposed.
- No trees shall be harvested within the Bishop pine forest. Some limbs may be removed to reduce hazards to hikers and allow hikers to stay on the trail.
- No woody riparian vegetation (willows) will be removed because the crossings will go through natural gaps in the willow gaps. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings.
- No significant obstruction of peak surface water flows from 100 year flood events are expected from construction of the elevated walkway or the bridge.
- The trail and bridge/walkway structures are not expected to have measurable impacts to the hydrologic capacity of the site.
- The trail and bridge/walkway structures are not expected to have measurable impacts to ground water flow within the ESHA buffer zones.
- The proposed ESHA buffers are designed to avoid significant adverse impact to all ESHAs.

The trail has been designed to avoid many of the sensitive habitat areas; however, there are several locations where the trail will traverse through a sensitive habitat area. Mitigation measures such as construction of an elevated pedestrian walkway over these areas and no removal of vegetation as part of the project design result in less than significant impacts to the identified rare plants, animals and habitats.

**Table 2: Impact Analysis and Mitigation Measures**

Impact to ESHA	Mitigation
1) Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> ): foot trail potentially within 50 ft. of ESHA edge will avoid impact to Pt. Reyes ceanothus and habitat that supports this ESHA	Since this is a "Watch List" species (CRPR 4), more information about this plant needs to be obtained. Population status shall be monitored yearly by establishing 1 or 2 permanent photo points.
2) Supple daisy ( <i>Erigeron supplex</i> ): Sufficient buffers well over 100ft. will help to avoid impact from hikers to the supple daisy. Any off-trail disturbance could potentially degrade supple daisy habitat.	As stated previously, the trail extending through the shale area which supports supple daisy will be constructed to avoid using short cuts. Simple photo plots shall be employed to monitor this rare species yearly.
3) Minute pocket moss ( <i>Fissidens pauperculus</i> ): The location of the minute pocket moss is hidden and far enough from proposed crossing structures to be impacted.	No mitigation necessary
4) Short-leafed evax ( <i>Hesperivax sparsifolia</i> var. <i>brevifolia</i> ): The trail will be constructed sufficiently far from the bluff edge to avoid impact to potential habitat.	No mitigation necessary.
5) Bishop pine ( <i>Pinus muricata</i> ) forest: impact is expected to be restricted to the footprint of the trail.	Mitigating human-caused impacts to the Bishop pine forest shall involve trash cleanup, erasing social trails, and where possible, encouraging natural regeneration.
6) Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> ): Same as #5 above	Same as #5 above
7) Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket: impact will be restricted to vegetation disturbance at footings and abutments of walkways and bridges at two crossings.	Yearly monitoring shall be done at crossing sites to ensure structural integrity is maintained. Any invasive species shall be eradicated on a yearly basis before they become established and spread. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio.

Part of the proposed project will require the installation of a bridge over a seasonal drainage area. Mendocino Land Trust is in the process of obtaining a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife. Mitigation for the loss of the area covered by the footings for the bridge will be required. The objective is to restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area. The site to be restored is within the wetland area directly adjacent to the boardwalk. Annual reporting will be provided to California Department of Fish and Wildlife staff. **Condition 9** is recommended requiring all recommendations from the various biological surveys and resource agencies as conditions of approval.

In summary, although the proposed project minimally impacts biological resources but is considered an allowable use within an ESHA area, as the trail will provide nature study opportunities with interpretive signage. Nature study is an allowable use in wetlands, per MCC Section 20.496.025 (A)(10). The proposed trail project would not significantly degrade resources on the parcels, rather it will provide the public the opportunity to learn about and observe some of the natural areas of the Mendocino Coast. There is no feasible less environmentally damaging alternative, as relocation to other areas on the parcel would require significantly more vegetation removal, grading, and disruption of natural areas. The selected alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. All feasible mitigation measures are required as conditions of approval to reduce project impacts to a less than significant level. The proposed project is therefore consistent with Mendocino County Code regulations for the protection of natural resources.

## Exhibit 4: Mitigated Negative Declaration

### References:

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

Louisa Morris, Mendocino Land Trust/Conservation and Trails Consultant/PAMB Certified Surveyor. *Point Arena Mountain Beaver Survey*. September, 24, 2014.

Kerry Heise and Geri-Hulse Stephens, Botanical Consulting. *Botanical Resources of the Pelican Bluffs Reserve*. September 15, 2014.

Kerry Heise and Geri-Hulse Stephens, Botanical Consulting. *Reduced Buffer Zone Analysis, Pelican Bluffs Reserve, Mendocino County, CA, CDP 42-2014*. January 5, 2015.

State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

Thad Van Bueren, Archaeological Reports March 27, 2014 and August 18, 2014

Exhibit 4: Mitigated Negative Declaration

**DATE: NOVEMBER 18, 2015**

**CASE NUMBER:** CDP\_2014-0042

**OWNER:** MENDOCINO LAND TRUST, RON LaFRANCHI, DIANE FERRARA

**APPLICANT:** MENDOCINO LAND TRUST

**PROJECT DESCRIPTION:** The project is for the construction of a public access trail along Pelican Bluffs. Construction of the trail will require the installation of a parking area, foot-bridge, approximately one hundred (100) steps, approximately eighty (80) feet of boardwalk, approximately ten (10) interpretive and management signs, two (2) benches, and two (2) picnic tables. The Pelican Bluffs trail will loop around the property from the trailhead in the northeast corner of the property west towards the bluff, where it will follow the western property boundary before looping back to the trailhead. The trail will also extend south within 25-foot public access easements on private property (APNs: 027-341-07 (LaFranchi) and 027-341-08 (Ferrara)) for a total length of approximately two (2) miles. Public access easements are held by Moat Creek Managing Agency, a partner organization of Mendocino Land Trust.

**LOCATION:** In the Coastal Zone, approximately one mile south of the City of Point Arena, on the west side of Highway 1, approximately 600 feet south of its intersection with Curley Lane (CR 504A). Located between post miles 14.26 and 13.86, plus two public access easements at 26300 and 26600 South Highway 1 (APNs: 027-151-08 (Mendocino Land Trust), 027-341-07 (LaFranchi), and 027-341-08 (Ferrara)).

**Environmental Checklist.**

*"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).*

*Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist. This includes explanations of "no" responses.*

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

<b>I. AESTHETICS.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Exhibit 4: Mitigated Negative Declaration

The proposed project consists of opening a public access trail on the above referenced parcels. The trail will provide a positive benefit by making a scenic vista available to the public at large, with appropriate trail design and accessory improvements to minimize potential adverse environmental impacts on the site.

The project is located in an area that is designated Highly Scenic by the Local Coastal Program. The project is therefore subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent policies include those related to the protection of coastal views from public areas, minimization of reflective surfaces and minimization of the visual disturbance from the access off Highway 1. The proposed project is for the development of a public access trail on the subject parcel and adjacent public access easements. The trail will be constructed at grade, with minimal development above grade. Additionally, the access to the parcel has been designed to be located as close as feasible to existing access roads and near existing vegetation, minimizing the visual impact. Improvements on the site will be primarily left as natural colors. Each proposed sign will be painted to reduce the reflectivity of the proposed signage.

The proposed project consists of opening a public access trail with associated improvements. The site is currently vacant and so any improvement on the site has the potential to result in a degradation of the visual character or quality of the site. The primary visual impact from the project will be the construction of the parking area for the trail. The parking area will be the most visible of the proposed improvements from Highway 1. Staff does not find that the proposed parking area would be considered a substantial degradation, as it has been designed and sited to minimize the removal of existing vegetation that would act as a screening buffer, and to minimize obstruction of the parking area into the natural areas of the parcel.

No exterior lighting is proposed with this application. The proposed signage is the only portion of the proposed development with the potential to create a substantial source of glare. The applicant has designed the signage to be painted aluminum and therefore reduces the amount of glare from the project.

No conditions of approval are necessary to ensure project impacts will be held to a less than significant level.

<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adjacent lands are tilled and farmed to the north and the parcel to the south has a driveway and a residence constructed on the site. The lands to the north and east of the subject parcel are under Williamson Act Contract (in 2014). The proposed hiking trail is not expected to cause negative impacts to the sensitive resources within the parcel boundaries or outside of it. The project would not convert any land designated "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Importance" to non-agricultural uses.

Exhibit 4: Mitigated Negative Declaration

<b>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of any applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is located within the jurisdiction of the Mendocino County Air Quality Management District (AQMD). Any new emission point source is subject to an air quality permit, consistent with the district’s air quality plan, prior to project construction.

The project will not include a new point source, and would contribute minimally to emissions, as the site proposes minimal earth movement, and no residential development. The generation of dust during grading activities, a type of area-source emission, will be limited by the County’s standard grading and erosion control requirements (MCC Sections 20.492.010; -020). These policies limit ground disturbance and require immediate revegetation after the disturbance. Consequently, existing County requirements will help to ensure PM10 generated by the project will not be significant and that the project will not conflict with nor obstruct attainment of the air quality plan PM10 reduction goals.

The project will establish a public access trail with associated improvements on a currently vacant parcel, surrounded primarily by residential and agricultural uses. Approval of this project will not permit large-scale development that may result in a cumulatively considerable net increase in air pollution, including PM10.

Additionally, there are no short-term or long-term activities or processes associated with the establishment of the public access trail that will create objectionable odors. Nor are there any uses in the surrounding area that are commonly associated with a substantial number of people (i.e., churches, schools, etc.) that could be affected by any odor generated by the project.

No conditions are necessary to reduce potential project impacts to a less than significant level.

<b>IV. BIOLOGICAL RESOURCES: Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 4: Mitigated Negative Declaration

California Department of Fish and Game or US Fish and Wildlife Service?				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Several studies were prepared in association with this project, a Botanical Survey Report, Point Arena Mountain Beaver Survey, and a Reduced Buffer Zone Analysis. The 73.05 acre site contains several areas of sensitive habitats. Identified sensitive habitats on the site are as follows: Point Arena Mountain Beaver (*Aplodontia rufa nigra*), a Federally Listed Endangered Species; Supple daisy (*Erigeron supplex*), a California rare plant; Short-leaved evax (*Hesperervax sparsiflora* var. *brevifolia*), a California rare plant; Point Reyes ceanothus (*Ceanothus gloriosus* var. *gloriosus*), a California rare plant; Minute pocket-moss (*Fissidens pauperculus*), a California rare plant; Arroyo (*Salix lasiolepis*) and Sitka (*S. Sitchensis*) willow thicket, a supportive community to wetland species and riparian habitat; Bishop pine forest/Pacific reed grass (*Pinus muricata/Calamagrostis nutkaensis*), a rare plant community; and Bishop pine forest (*Pinus muricata*), a rare plant community.

Mendocino County Code requires that all proposed improvements be located a minimum of one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet. Table 1, taken from the Reduced Buffer Zone Analysis document, describes the buffer distance to identified sensitive habitats and recommended actions. Please note that the Point Arena Mountain Beaver is not included in the table as the analysis was done separately and all proposed improvements will maintain a greater than one-hundred (100) foot buffer to identified Point Arena Mountain Beaver habitat.

**Table 1. ESHAs and Recommended Actions**

ESHAs	Reduced Buffer	Recommended Action
Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> )	50 – 100 ft.	A “Watch List” species (CRPR 4), more information about this plant needs to be obtained. It has no state or federal protection status. Trail proposed within 50 ft, designed to maximize buffer width of the adjacent and rarer supple daisy.
Supple daisy ( <i>Erigeron supplex</i> )	> 100 ft.	No compensation necessary
Minute pocket moss ( <i>Fissidens pauperculus</i> )	> 100 ft.	No compensation necessary

## Exhibit 4: Mitigated Negative Declaration

Short-leaved evax ( <i>Hesperievax sparsifolia</i> var. <i>brevifolia</i> )	50 – 100 ft.	No trail will be constructed within 50 feet of the short-leaved evax occurrence.
Bishop pine ( <i>Pinus muricata</i> ) forest	No buffer	No trees will be removed. Trail will be designed to discourage off trail use to minimize impacts to understory plant community.
Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> )	Not less than 50 ft.	Trail will be designed to discourage off trail use. A 50 ft. buffer is adequate to prevent impact to the forest/grassland association.
Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket	No buffer	Construction of elevated pedestrian walkways to avoid impact to understory vegetation. The walkways will utilize natural gaps in willow cover along the seasonal drainage.

While a reduced buffer analysis was completed for the proposed project, the proposed trail alignment will still traverse an ESHA. In order to permit development inside a buffer area, the proposed project must comply with MCC Section 20.496.020(A)(4). The proposed project is consistent with the policies related to development within an ESHA buffer for the following reasons:

- While human activity levels will be increased by the acquisition of this site for public use and the construction of trails, these activities will be directed to walkways and trails that avoid all sensitive resources. Prior use of this parcel was a cattle ranch where cattle roamed freely throughout the parcel resulting in considerable ecological damage, displacement of native species, and, establishment of invasive exotics.
- The proposed trail will be compatible with the function and ability of the ESHAs to self-sustain.
- Trail development will be located in a way that will minimize impacts to all ESHAs. Gradual sloping of trails and switchbacks will be employed to minimize erosion. Where switchbacks occur trails will be designed to employ visual obscuration of the lower segment of the trail to discourage “short-cuts” between segments of the trail. Bluff edges will be avoided by locating the trail within 50 to 100 feet of the short-leaved evax that is located on the edge of the bluff. The trail will be near enough to the bluff to satisfy the public attraction to views of the Pacific Ocean without impacting sensitive species and fragile bluff communities.
- Adjacent lands to the north are tilled and farmed and the parcel to the south has a driveway and a residence constructed on the site. The proposed hiking trail is not expected to cause negative impacts to the sensitive resources within the parcel boundaries or outside of it. The hydrology of the site will not be altered by trail construction. Trails will be located in such a way that impact to sensitive resource will be avoided, and the creation of “social trails” minimized.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact.
- The trail will not cause impacts that would degrade adjacent areas; impact will be restricted to the trail footprint. The location of the trail within the coastal prairie/coyote brush scrubland and Bishop pine forest will be designed to minimize erosion and discourage “social trails”. Where soil-types are fragile along the shale band within the transition between upper and lower terraces the grade of the trail will be gradual to prevent degradation by foot traffic.
- The elevated walkway and bridge are necessary improvements facilitating the movement of hikers through the willow thicket and across the drainage with minimal impact. Impacts to riparian vegetation will be isolated to areas where pier blocks are placed at 6-foot intervals on each side of the elevated walkway. Bridge footings will consist of five 8-inch diameter posts driven in a minimum of 3-feet deep and covered by a concrete footing 4-foot wide and 2.8-inch long bars at each end of the bridge. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings. These plants shall be maintained by watering until they are established. No other structures within ESHAs are proposed.
- No trees shall be harvested within the Bishop pine forest. Some limbs may be removed to reduce hazards to hikers and allow hikers to stay on the trail.

## Exhibit 4: Mitigated Negative Declaration

- No woody riparian vegetation (willows) will be removed because the crossings will go through natural gaps in the willows. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio. Any native plants that will be impacted by construction-related disturbance shall be removed, conserved during construction and replanted in the disturbed areas surrounding the bridge footings.
- No significant obstruction of peak surface water flows from 100-year flood events are expected from construction of the elevated walkway or the bridge.
- The trail and bridge/walkway structures are not expected to have measurable impacts to the hydrologic capacity of the site.
- The trail and bridge/walkway structures are not expected to have measurable impacts to ground water flow within the ESHA buffer zones.
- The proposed ESHA buffers are designed to avoid significant adverse impact to all ESHAs.

The trail has been designed to avoid many of the sensitive habitat areas; however, there are several locations where the trail will traverse through a sensitive habitat area. Mitigation measures such as construction of an elevated pedestrian walkway over these areas and no removal of vegetation as part of the project design result in less than significant impacts to the identified rare plants, animals and habitats.

**Table 2: Impact Analysis and Mitigation Measures**

Impact to ESHA	Mitigation
1) Pt. Reyes ceanothus ( <i>Ceanothus gloriosus</i> var. <i>gloriosus</i> ): foot trail potentially within 50 ft. of ESHA edge will avoid impact to Pt. Reyes ceanothus and habitat that supports this ESHA	Since this is a "Watch List" species (CRPR 4), more information about this plant needs to be obtained. Population status should be monitored yearly which could simply involve establishing 1 or 2 permanent photo points.
2) Supple daisy ( <i>Erigeron supplex</i> ): Sufficient buffers well over 100ft. will help to avoid impact from hikers to the supple daisy. Any off-trail disturbance could potentially degrade supple daisy habitat.	As stated previously, the trail extending through the shale area which supports supple daisy will be constructed in such a way as to avoid using short cuts. Simple photo plots could be employed to monitor this rare species yearly, however, care should be taken not to approach the site from the established trail as this could invite others to explore and potentially impact the ESHA.
3) Minute pocket moss ( <i>Fissidens pauperculus</i> ): The location of the minute pocket moss is hidden and far enough from proposed crossing structures to be impacted.	No mitigation necessary
4) Short-leaved evax ( <i>Hesperevax sparsifolia</i> var. <i>brevifolia</i> ): The trail will be constructed sufficiently far from the bluff edge to avoid impact to potential habitat.	No mitigation necessary. Care should be taken if monitoring is conducted as activities near the bluff edge could encourage others to investigate and potentially impact the ESHA habitat.
5) Bishop pine ( <i>Pinus muricata</i> ) forest: impact is expected to be restricted to the footprint of the trail.	Mitigating any potential human-caused impact to the Bishop pine forest would likely involve trash cleanup, erasing social trails, and where possible, encouraging natural regeneration.
6) Bishop pine ( <i>Pinus muricata</i> )/Pacific reed grass ( <i>Calamagrostis sitchensis</i> ): Same as #5 above	Same as #5 above
7) Arroyo ( <i>Salix lasiolepis</i> ) and Sitka ( <i>S. sitchensis</i> ) willow thicket: impact will be restricted to vegetation disturbance at footings and abutments of walkways and bridges at two crossings.	Yearly monitoring should be done at crossing sites to ensure structural integrity is maintained. Any invasive species should be eradicated on a yearly basis before they become established and spread. Herbaceous vegetation that will be impacted from walkway construction will be replaced at the recommended 1:1 ratio.

## Exhibit 4: Mitigated Negative Declaration

Part of the proposed project will require the installation of a bridge over a seasonal drainage area. Mendocino Land Trust is in the process of obtaining a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife. Mitigation for the loss of the area covered by the footings for the bridge will be required. The objective is to restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area. The site to be restored is within the wetland area directly adjacent to the boardwalk. Annual reporting will be provided to California Department of Fish and Wildlife staff. **Condition 9** is recommended requiring all recommendations from the various biological surveys and resource agencies as conditions of approval.

**Condition 9:** In order to provide for the protection of Natural Resources, the following shall be completed by the applicant:

- a. The populations of Pt. Reyes ceanothus (*Ceanothus gloriosus var. gloriosus*), short-leaved evax (*Hesperis matronalis var. brevifolia*), and supple daisy (*Erigeron supplex*) shall be monitored yearly. One or two permanent photo points shall be established with yearly monitoring for five years following project approval. Results of the monitoring shall be submitted to the Department of Planning and Building Services. Care shall be taken when performing the yearly monitoring to not approach the sites from the established trail as this could invite others to explore and potentially impact the ESHA.
- b. The Arroyo (*Salix lasiolepis*) and Sitka (*Salix sitchensis*) willow thicket shall be monitored yearly at the crossing sites to ensure structural integrity is maintained. Hand removal of invasive species shall be completed on a yearly basis before they become established and spread. Herbaceous vegetation that is impacted from the walkway construction shall be replaced at a 1:1 ratio.
- c. California Department of Fish and Wildlife confirmed that a minimum of a fifty (50) foot buffer shall be maintained between proposed improvements and identified ESHA, except for the resources where the trail must cross within fifty (50) feet. Only those resources specifically outlined in the staff report shall have a buffer of less than fifty (50) feet.
- d. Restore a wetland area measuring no less than sixty (60) square-feet by removing invasive plants and allowing native plants to colonize the area.
  - i. The site to be restored shall be within the wetland area directly adjacent to the boardwalk. Mendocino Land Trust shall delineate (flag or stake), photo-document and provide a map of the restoration area; compile a plant species list; and estimate cover of native plants and non-native plants within the restoration area.
  - ii. The mitigation plan shall be in effect for no less than five (5) years. Within the mitigation area, non-native plants shall be removed to encourage the spread and establishment of nearby native plants. After initial removal of non-native plants, follow-up work shall occur on a quarterly basis or as necessary (at the discretion of the California Department of Fish and Wildlife). On at least a quarterly basis, Mendocino Land Trust shall monitor the project site, including photo-documentation and an estimate of native and non-native plant cover. On at least an annual basis, this information shall be compiled and reported to the California Department of Fish and Wildlife.
  - iii. Success Criteria/Performance Standards are at the discretion of the California Department of Fish and Wildlife and the stipulations of the Lake and Streambed Alteration Agreement obtained by Mendocino Land Trust.

In summary, the proposed project impacts biological resources but is considered an allowable use within an ESHA area, as the trail will provide nature study opportunities with interpretive signage. The proposed trail project will not significantly degrade the resources on the parcel, rather it will provide the public the opportunity to learn about and observe some of the natural areas of the Mendocino Coast. There is no feasible less environmentally damaging alternative, as relocation to other areas on the parcel would require significantly more vegetation removal, grading, and disruption of natural areas. The selected alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. All feasible mitigation measures are required as conditions of approval to reduce project impacts to a less than significant level.

Exhibit 4: Mitigated Negative Declaration

<b><u>V. CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The applicant submitted two separate Archaeological Survey Reports prepared by Thad Van Bueren with the application. One Survey was completed for APN 027-151-08 (under Mendocino Land Trust ownership) on March 27, 2014 and a secondary Survey was completed for the trail easements on APNs 027-341-07 and 027-341-08 on August 18, 2014. Sites were identified within the project area. The Surveys were reviewed at the June 10, 2015 Mendocino County Archaeological Commission Hearing. Both Surveys were accepted by the Commission; however, additional recommendations were made requiring the applicant to cap the portions of the trail that traverse identified archaeological sites. Capping will include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline. **Condition 10** is recommended to protect identified sites in perpetuity.

**Condition 10:** The proposed trail shall be capped over those portions of trail that traverse the archaeological sites identified in the March 27, 2014 and August 18, 2014 Archaeological Survey's by Thad Van Bueren, on-file with the Department of Planning and Building Services. Capping shall include at least eight (8) inches thick of material such as clean soil or gravel and shall be at least five (5) feet wide, two and one half (2 ½) feet on either side of trail centerline.

The applicant is also advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

**Condition 8:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with protection of paleontological and archaeological resources.

<b><u>VI. GEOLOGY AND SOILS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas fault is located approximately three (3) miles to the northeast of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

The subject property is located west of the highway and slopes gently toward the bluff edge. There are no translational/rotational or debris slides mapped on the subject parcel.

The main structures being constructed under this project are the bridge and parking area. Both have been designed by a licensed civil engineer and have been designed to be stable structures and reduce erosion, resulting in less than significant impacts.

The proposed project is located in a relatively flat coastal terrace area. The proposed structures may be located on expansive soil, thereby creating risks to life or property. Both structures have been engineered by a licensed civil engineer, and will be further reviewed for expansive soils at the building permit phase, which may require site-specific soil reports to identify and mitigate potential hazards, thereby reducing risks to a less than significant level.

The proposed project consists of a public access trail, and does not include the installation of septic facilities on the site. If septic facilities are proposed, soil work will be completed to determine if the site is suitable for development of a septic system.

<b>VII. GREENHOUSE GAS EMISSIONS. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Assembly Bill 32 (AB32), the California Global Warming Solutions Act, 2006 recognized that California is a source of substantial amounts of greenhouse gas (GHG) emission which poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. AB32 established a state goal of reducing GHG emission to 1990 levels by the year 2020 with further reductions to follow. In order to address global climate change associated with air quality impacts, CEQA statutes were amended to require evaluation of GHG emission which includes criteria air pollutants (regional) and toxic air contaminants (local). As a result, Mendocino County Air Quality Management District (AQMD) adopted CEQA thresholds of significance for criteria air pollutants and GHGs, and issued updated CEQA guidelines to assist lead agencies in evaluating air quality

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impacts to determine if a project's individual emissions would be cumulatively considerable. According to the AQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD). Pursuant to the BAAQMD CEQA Guidelines, the threshold for project significance of GHG emissions is 1,100 metric tons CO<sub>2</sub>e (CO<sub>2</sub> equivalent) of operation emission on an annual basis. This project as proposed, creating a public access trail, will have no impact and be below the threshold for project significance of 1,100 metric tons CO<sub>2</sub>e.

Given the limited scale of development on the parcel, the GHG generated by the project will not have a significant impact on the environment.

<b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project will establish a public access trail involving the routine transport, use and disposal of hazardous materials never or in small quantities. These materials include power tools and asphalt. Storage of these materials in the open may result in contaminated stormwater runoff being discharged into nearby water bodies, including the Pacific Ocean.

This potential hazard is not significant if these materials are properly stored on the project site and then disposed at an approved collection facility. Potential impacts involving the transport, use or disposal of hazardous materials are less than significant. **Condition 12** is recommended to require all specifications stated in the parking plan as conditions of approval.

**Condition 12:** All Construction Notes on the Pelican Bluffs Parking Plan shall be complied with during construction of the parking area. If deviation from the Construction Notes is required, such deviation shall only

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be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer. Construction Notes are as follows:

- a. No construction shall commence without prior approval of the County of Mendocino's Supervising Engineer and California Department of Transportation.
- b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
- c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.
- d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
- e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
- f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
- g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
- h. Site work can only proceed and must be completed during the dry season, April 15 to October 14.
- i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of Mendocino Land Trust easements that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. Existing shrubs of Baccharis shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.
- j. Contractor shall install and maintain erosion control measures shown on the parking plan, prior to grading operations.
- k. Prior to placement of aggregate base course material at paved areas, compact subsoil to 95 percent of its maximum dry density at optimum water content (-1 percent + 3 percent) in accordance with ASTM D1557 to the depth as indicated on the Drawings, but not less than 36 inches. At least 24 inches of excavation is required with soil replaced in 12 inch lifts, each compacted.
- l. Fill material shall meet Caltrans aggregate subbase (AS) or crushed miscellaneous base (CMB) requirements or a class 3 soil fill meeting the Engineer's requirement, in coordination with the amount of geotextile placed.
- m. Compaction of fill shall meet 95 % of fill material dry density, confirmed per Caltrans test method #231, or the equivalent ASTM Standard Penetration Test procedure.
- n. Compaction of fill shall be in 12 inch max lifts, with geotextile reinforcement to be determined. Lifts shall approximate the finished plane, so the upper layers can have full runs of geotextile.
- o. Compaction testing shall be undertaken at existing soils before placement of imported fill, and at the completion of fill operations, before placement of rock surface and paving base course.
- p. Rocked surface and paving base shall meet Caltrans Class 2 Aggregate Requirements. Paving materials and execution shall match Caltrans requirements.
- q. Pavement marking paint material shall meet Caltrans specification PTH-02ALKYD, with reflective spheres meeting Caltrans specification 8010-004.
- r. Stop bar and marking, and stop sign and installation shall meet 2012 California Manual on Uniform Traffic Control Devices. Include the installation of 2 similar sign posts to be supplied by Mendocino Land Trust.

The recommended condition will reduce impacts of hazards and hazardous materials to a less than significant level.

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<b>IX. HYDROLOGY AND WATER QUALITY. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed public access trail is located on a parcel that contains a seasonal drainage feature. A bridge is proposed to be constructed over the seasonal drainage feature. In conformance with Fish and Game Code Section 1600, the applicant is in the process of obtaining and Lake and Streambed Alteration Agreement (LSAA). With mitigation and standard best management practices, the proposed project is not anticipated to violate any water quality standard or waste discharge standard.

No impacts to groundwater supplies are anticipated, as the proposed project does not include the development of a well or other development that may impact groundwater resources.

The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. Potential to alter the existing drainage pattern is greatest with the establishment of the parking area; however, the parking area has been designed by a licensed civil engineer, consists primarily of permeable gravel (with only the handicap space and apron being impermeable surfaces) and includes mitigation measures to reduce the potential for erosion and flooding related concerns.

The project is not for residential development and further is located outside the mapped 100-year flood hazard area of the parcel, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam.

Hydrology and water quality impacts are not anticipated; no mitigation is required.

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<b><u>X. LAND USE AND PLANNING.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is located on a blufftop parcel, just south of the City of Point Arena, adjacent to existing residential development and agricultural operations. The proposed project will not result in the division of an established community.

The proposed project is consistent with all policies of the Local Coastal Program of the General Plan and the MCC, except Section 20.496.020(A)(1) relating to buffer widths from Environmentally Sensitive Habitat Areas, due to the location of the trail within a sensitive habitat.

Currently, the U.S. Fish and Wildlife Service have a *Recovery Plan for the Point Arena Mountain Beaver-Aplodontia rufa nigra (Rafinesque)* published in 1998. The proposed project, which will establish a public access trail on the subject parcel, will avoid all occurrences of the Point Arena Mountain Beaver by providing a greater than one hundred (100) foot buffer to identified habitat areas.

<b><u>XI. MINERAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is not located in an area of known mineral resources. No impact is expected and no mitigation is required.

<b><u>XII. NOISE.</u></b> <b>Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

With the exception of short-term construction related noise, the proposed development will not create a new source of noise that will impact the community. As a requirement for establishment of a public access trail, all trails must be located a minimum of twenty (20) feet from existing residences, to reduce conflicts between the two uses. This distance also reduces the potential for noise from the trail to become a nuisance. Noise created by the public access trail is not anticipated to be significant, and no mitigation is required.

<b>XIII. POPULATION AND HOUSING.</b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would permit a public access trail in a zoning district and General Plan land use designation intended for residential development and on a parcel where residential development exists on the adjacent parcels. The project would not trigger the need for new public roads or other infrastructure that may indirectly trigger population growth. Consequently, the project would not generate unanticipated population growth in the local area. No impacts are expected, and no mitigation is required.

<b>XIV. PUBLIC SERVICES.</b>	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is served by CalFire and the Redwood Coast Fire Protection District. The establishment of the public access trail in an existing community would not create additional significant service demands or result in adverse physical impacts associated with delivery of fire, police, parks or other public services.

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<b><u>XV. RECREATION.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project site is located west of Highway 1, and is designated as a potential public access trail location on the Local Coastal Plan maps. As a condition of permit approval for California Coastal Commission Coastal Development Permits #81-CC-307 and #1-86-22 the landowners of the parcels subject to the Permits were required to dedicate a twenty-five (25) foot lateral access (Mendocino County Official Records Book 1320 Page 232 and Book 1553 Page 155). The proposed project would open a public access trail on parcels designated for such a use under the Local Coastal Plan maps. Deterioration of public facilities is not anticipated as the project proposes a parking area and would ultimately have a positive impact on public access and recreation. Possible environmental impacts are addressed under the Biological Resources section of this document, including mitigation for the small wetlands impact as a result of the bridge installation.

<b><u>XVI. TRANSPORTATION/TRAFFIC.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The parcel is currently provided access off of Highway 1. The proposed public access trail was referred to the California Department of Transportation (Caltrans) for comment; however, no response was received. Staff notes that the applicant has been in continuous discussion with Caltrans regarding the proposed encroachment from the beginning of the project. Caltrans determined the proposed location to be the best location on the parcel for access. A parking plan has been prepared for the project. Prior to commencement of work, the applicant shall obtain an encroachment permit from Caltrans, as required by **Condition 4**.

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The proposed use is consistent with Mendocino County's Local Coastal Program for the area and will not degrade the performance of the existing roadway. The project is not located within an area subject to a congestion management program.

Impacts to transportation and circulation are less than significant, with no mitigation required.

<b><u>XVII. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project does not include any residential development that will require wastewater treatment or utility systems. The site proposes the establishment of a public access trail on the parcel.

There are no impacts related to utilities and service systems.

<b><u>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Exhibit 4: Mitigated Negative Declaration

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

The project's potential to degrade the quality of the environment, as described in the first Mandatory Finding of Significance, will be less than significant provided it incorporates the mitigation measures recommended in this Initial Study.

None of the of the project mitigated impacts are cumulatively considerable because the project's potential impacts are limited to the project site, and the approval and establishment of the project will not alter the existing setting nor amend an existing regulation that would create a circumstance where the incremental effect of a probable future project will generate a potentially significant environmental impact.

The project will not generate any potential direct or indirect environmental effect that will have a substantial adverse impact on human beings including, but not limited to, exposure to geologic hazards, air quality, water quality, traffic hazards, noise and fire hazards.

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JULIA ACKER  
PLANNER I

Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
 OWNER: Various  
 APN: 027-151-08, 027-341-07, 08  
 APLCT: Mendocino Land Trust, Inc.  
 ADDRESS: 26300 S. Hwy. 1, PA

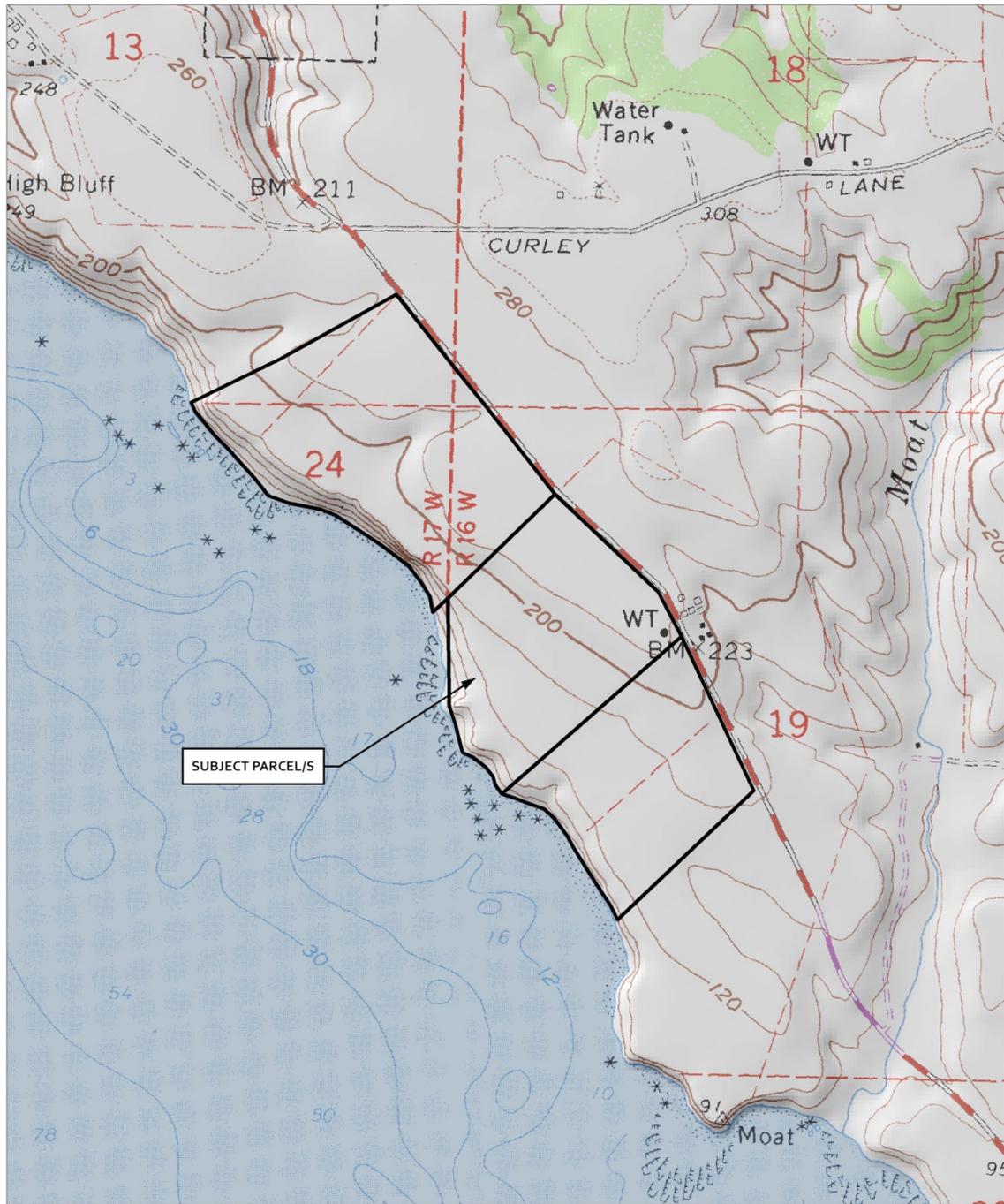
-  Coastal Zone Boundary
-  Incorporated City Limits
-  Highways
-  Major Roads



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



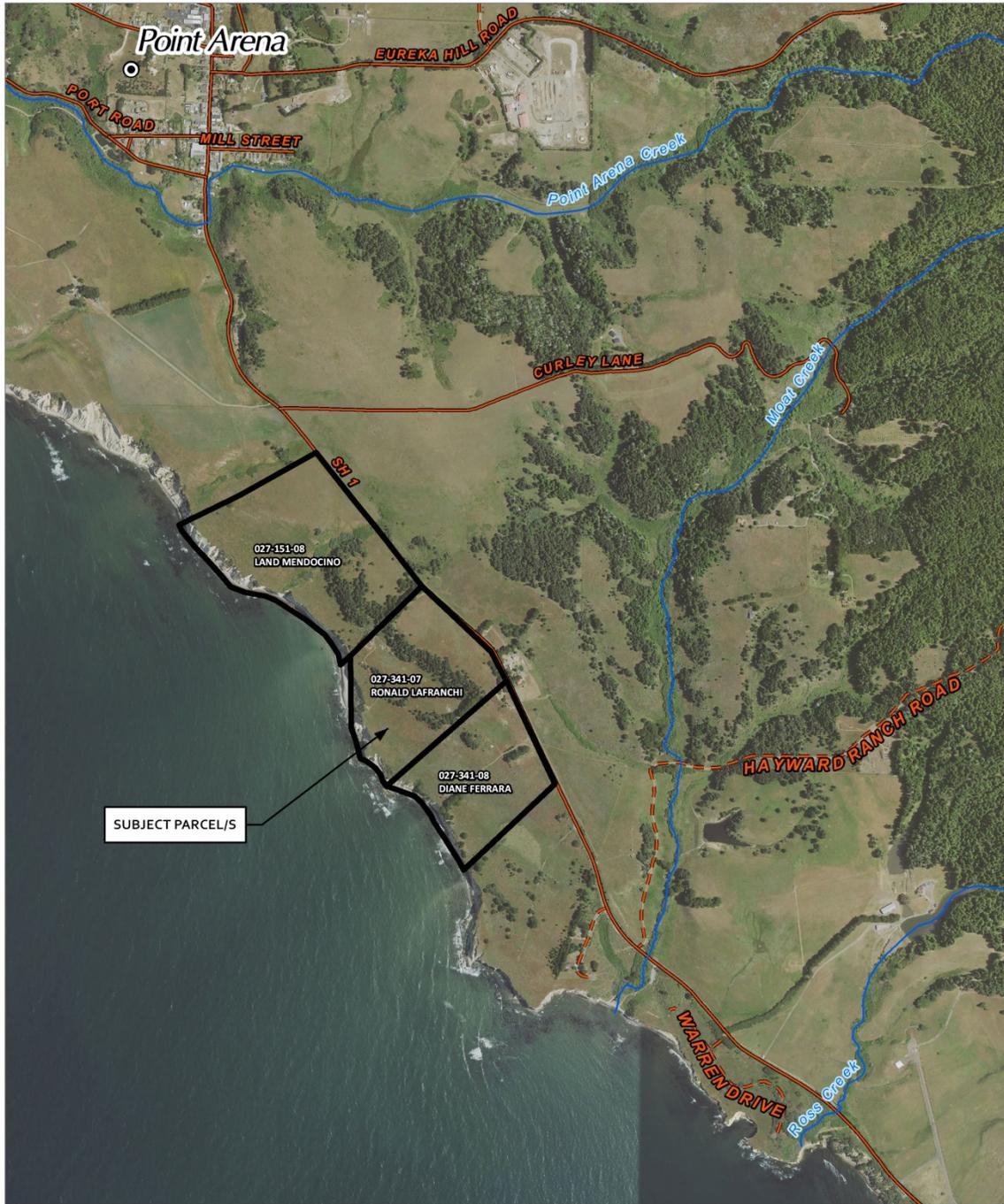
CASE: CDP 2014-0042  
OWNER: Various  
APN: 027-151-08, 027-341-07, 08  
APLT: Mendocino Land Trust, Inc.  
ADDRESS: 26300 S. Hwy. 1, PA



1:12,000  
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

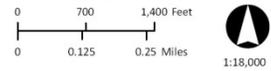
Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
 OWNER: Various  
 APN: 027-151-08, 027-341-07, 08  
 APLT: Mendocino Land Trust, Inc.  
 ADDRESS: 26300 S. Hwy. 1, PA

- Named Rivers
- Public Roads
- Private Roads



2014 NAIP AERIAL ORTHOPHOTO

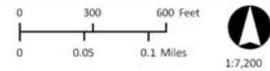
Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
OWNER: Various  
APN: 027-151-08, 027-341-07, 08  
APLT: Mendocino Land Trust, Inc.  
ADDRESS: 26300 S. Hwy. 1, PA

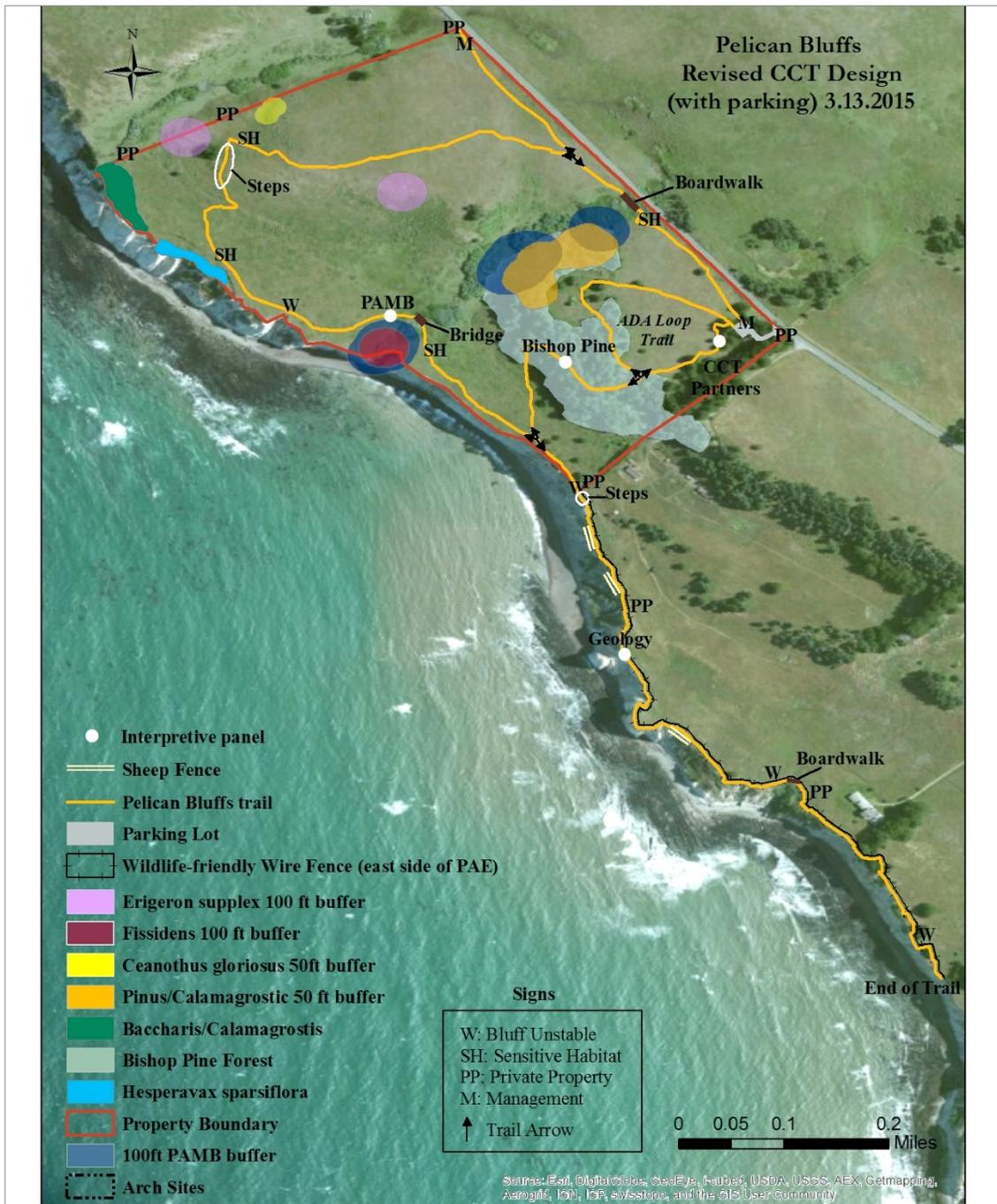
 Public Roads



2014 NAIP AERIAL ORTHOPHOTO

Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



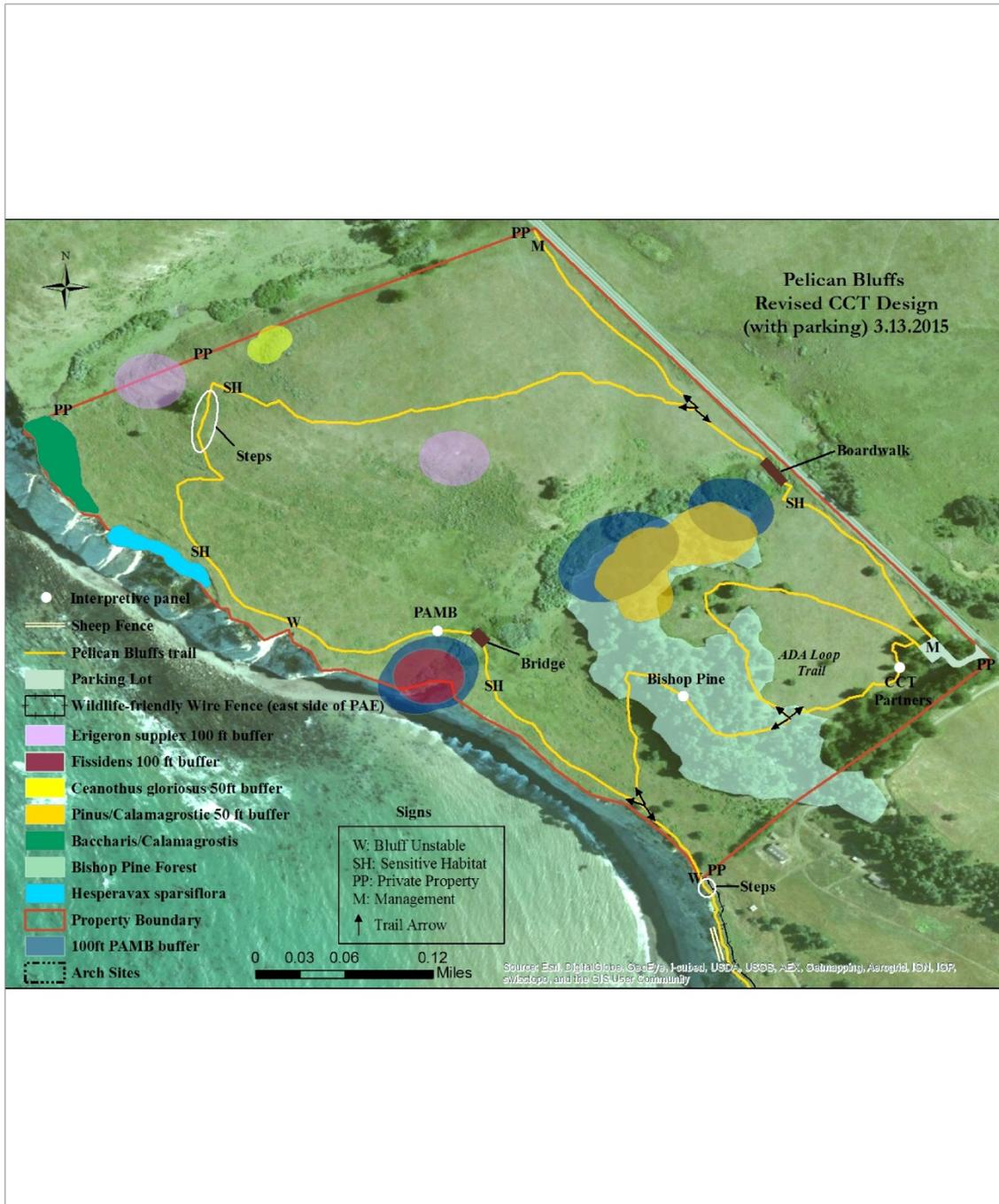
CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLCT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

SITE PLAN [03-13-2015]

Map produced by the Mendocino County Planning & Building Services, August, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



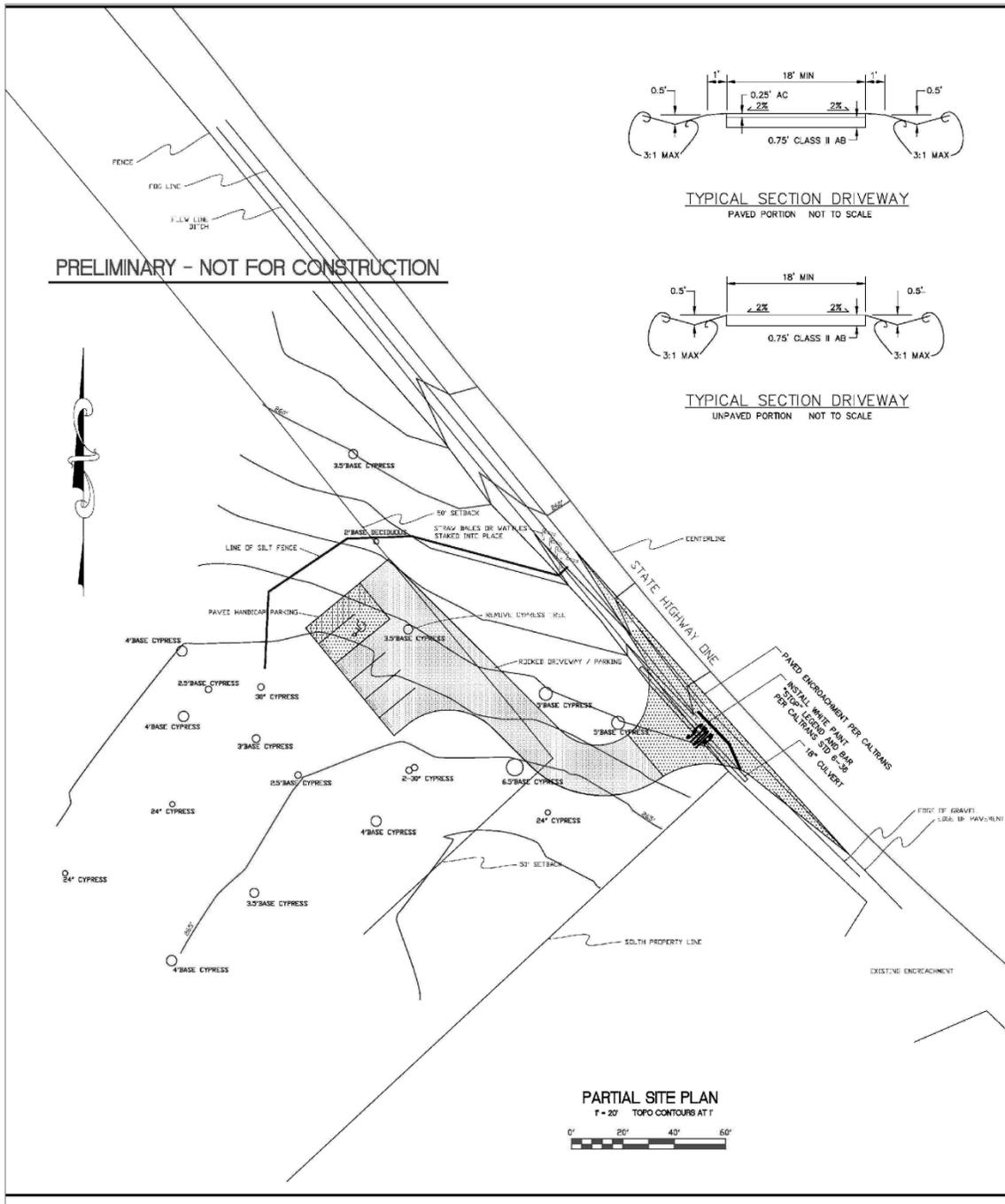
CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLCT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

SITE PLAN DETAIL

Map produced by the Mendocino County Planning & Building Services, August, 2015  
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# Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLT: MLT, Inc.  
 ADDRESS: None Assigned, PA

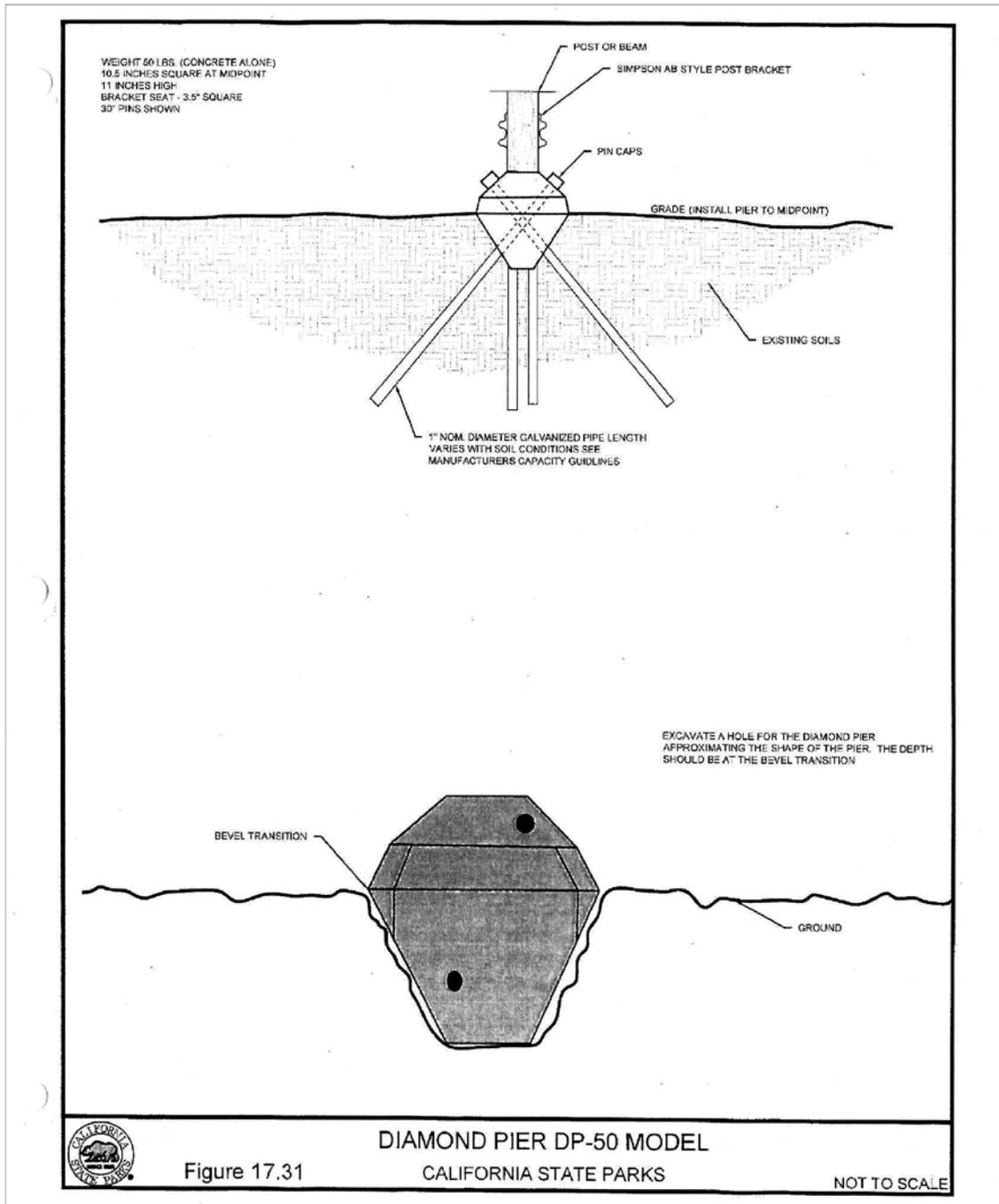
NO SCALE

PARKING LAYOUT

Map produced by the Mendocino County Planning & Building Services, August, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



Exhibit 4: Mitigated Negative Declaration

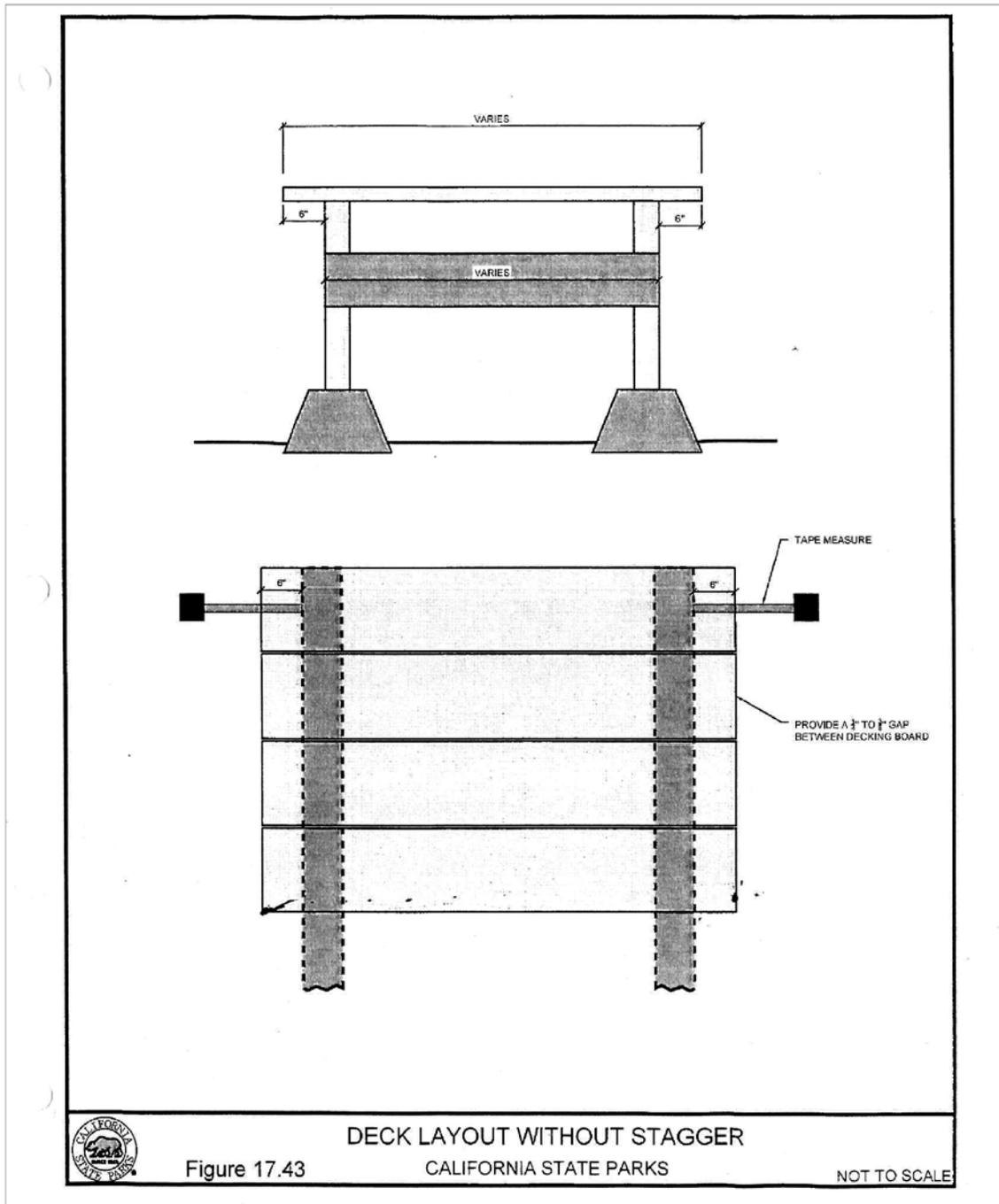


CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLCT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

PIER DIAGRAM

Map produced by the Mendocino County Planning & Building Services, August, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

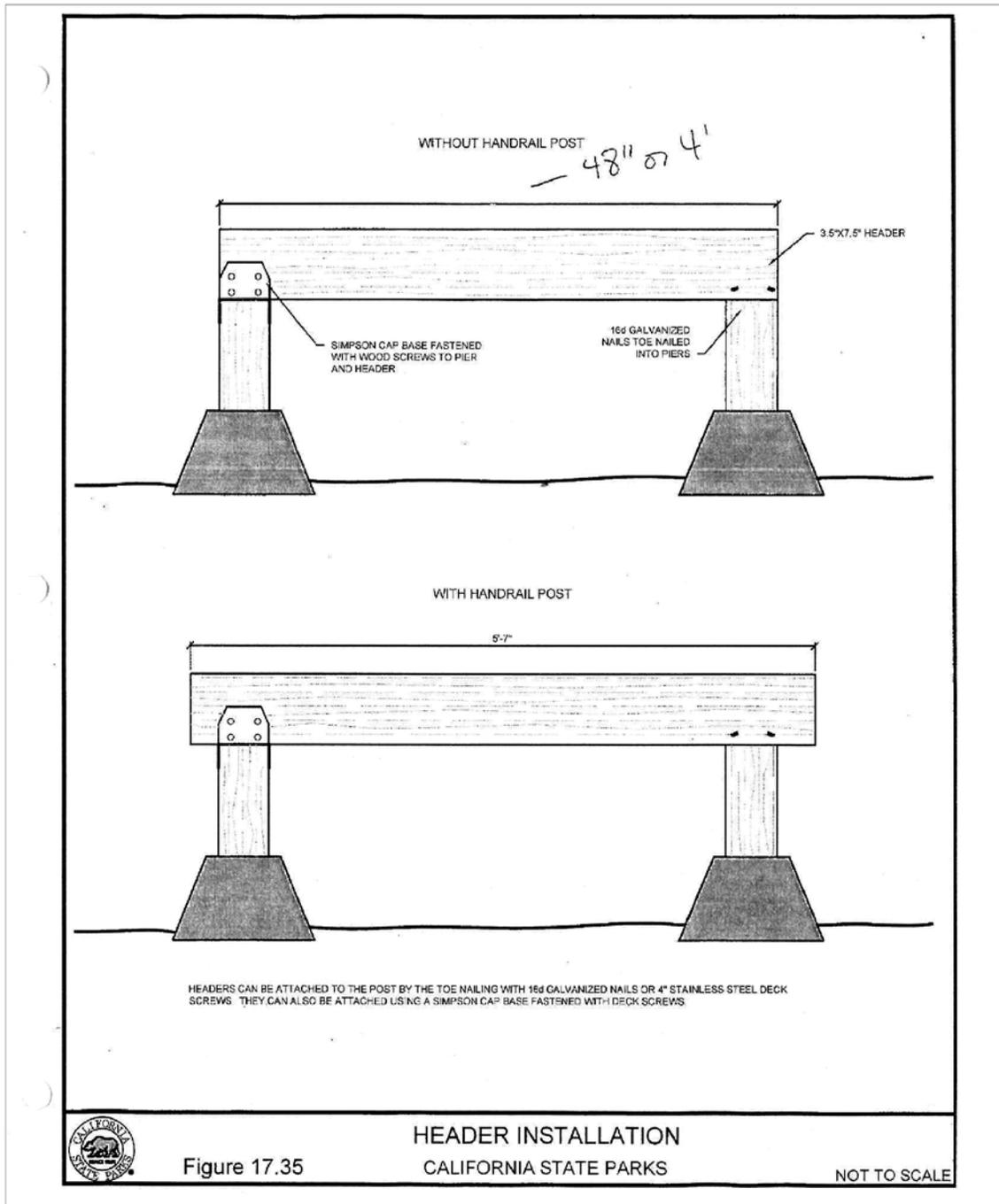


CASE: CDP 2014-0042  
OWNER: Mendocino Land Trust, Inc.  
APN: 027-151-08-01  
APLCT: MLT, Inc.  
ADDRESS: None Assigned, PA

NO SCALE

ELEVATION & DECK PLAN

Map produced by the Mendocino County Planning & Building Services, August, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

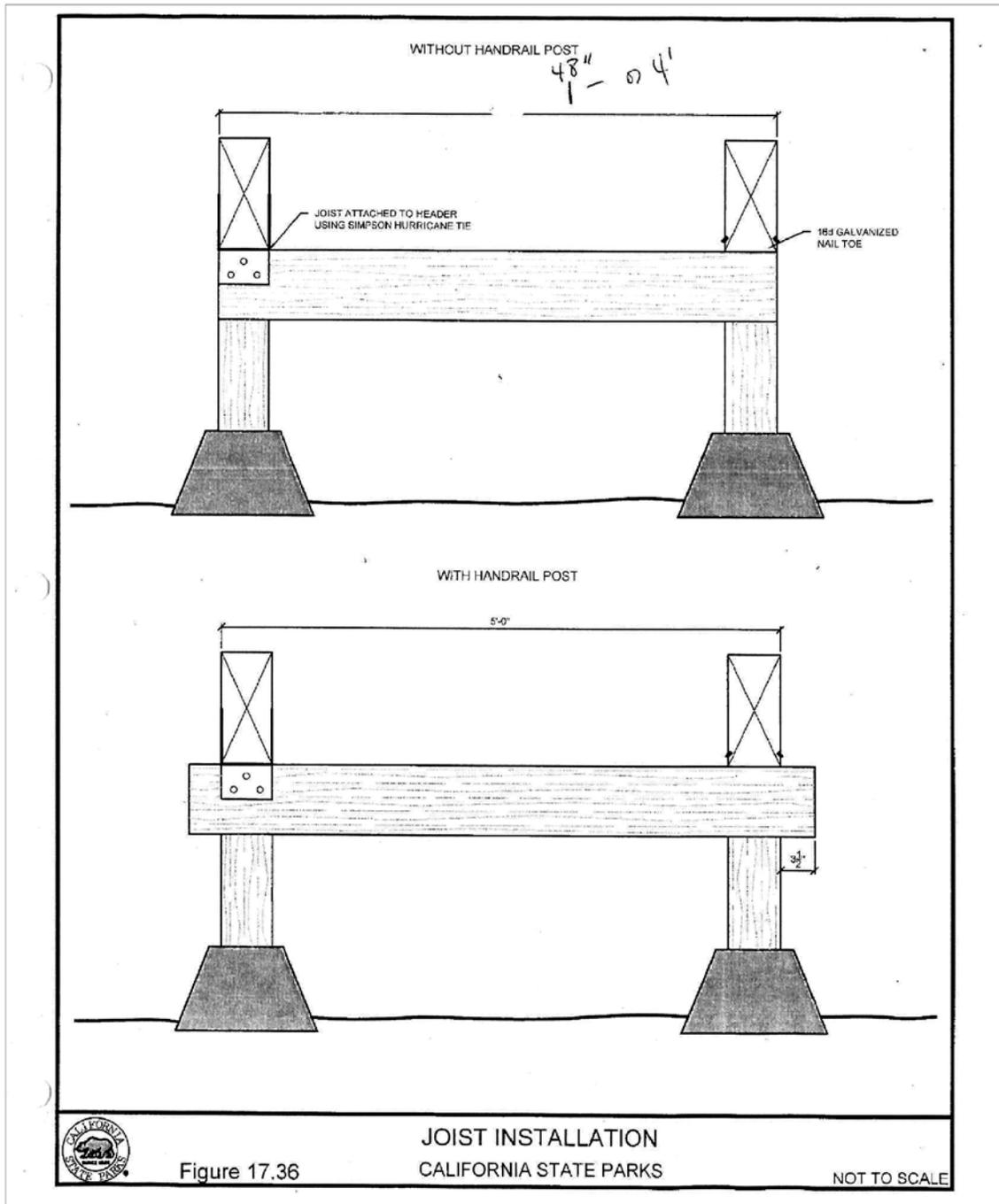


CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLCT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

HEADER INSTALLATION PLAN

Exhibit 4: Mitigated Negative Declaration

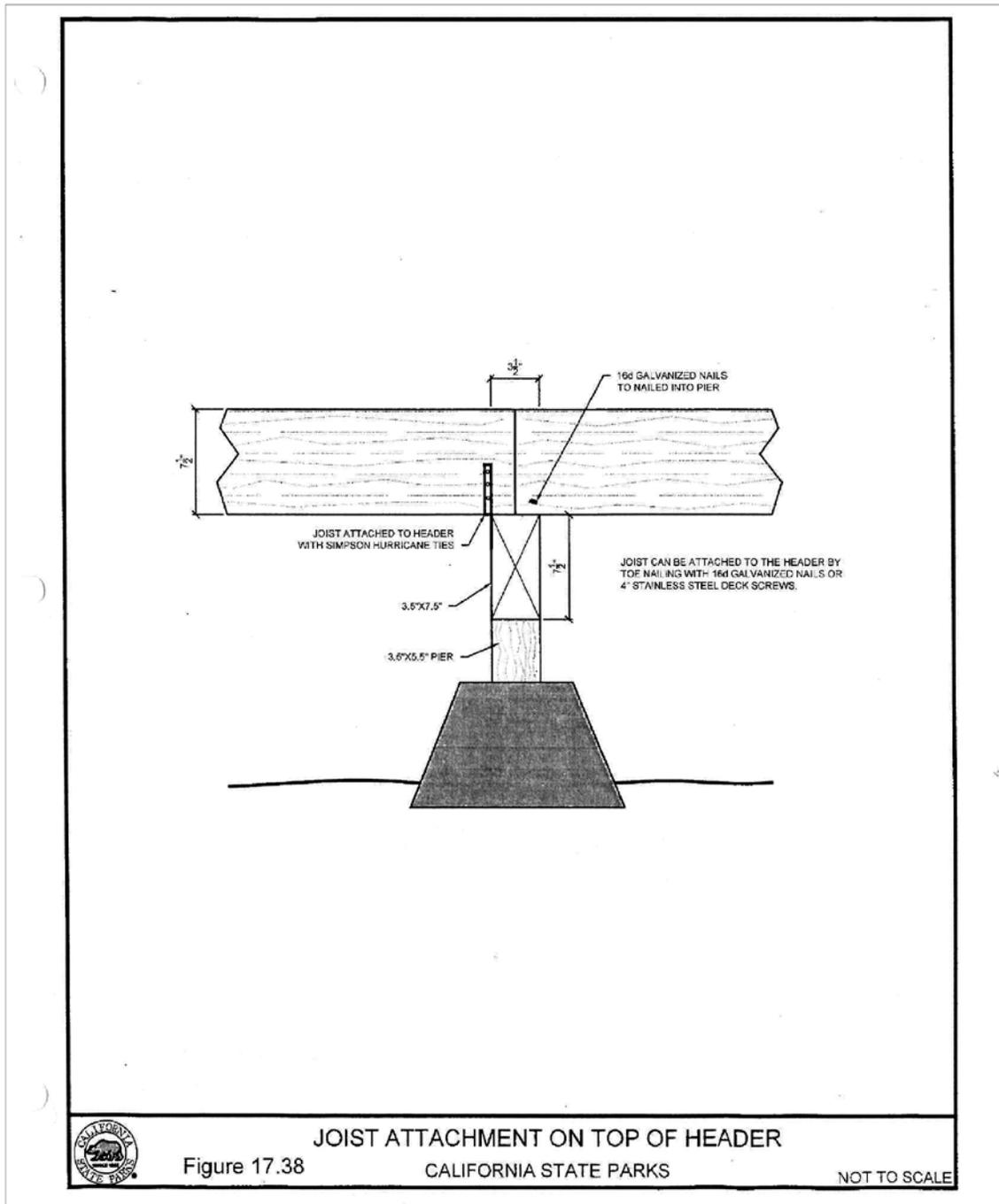


CASE: CDP 2014-0042  
OWNER: Mendocino Land Trust, Inc.  
APN: 027-151-08-01  
APLCT: MLT, Inc.  
ADDRESS: None Assigned, PA

NO SCALE

JOIST INSTALLATION PLAN

Map produced by the Mendocino County Planning & Building Services, August, 2015  
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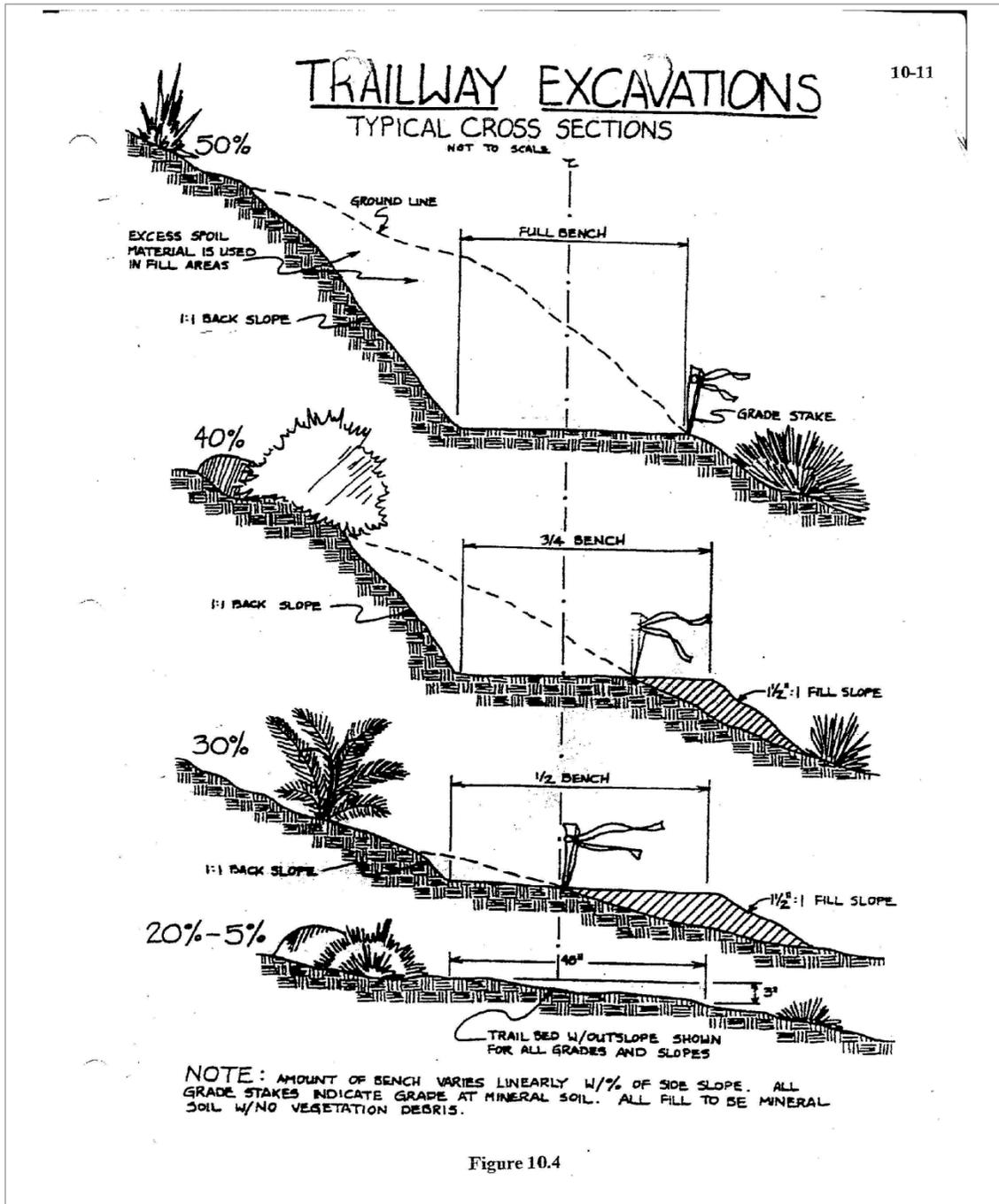


CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

JOIST-TO-HEADER DESIGN PLAN

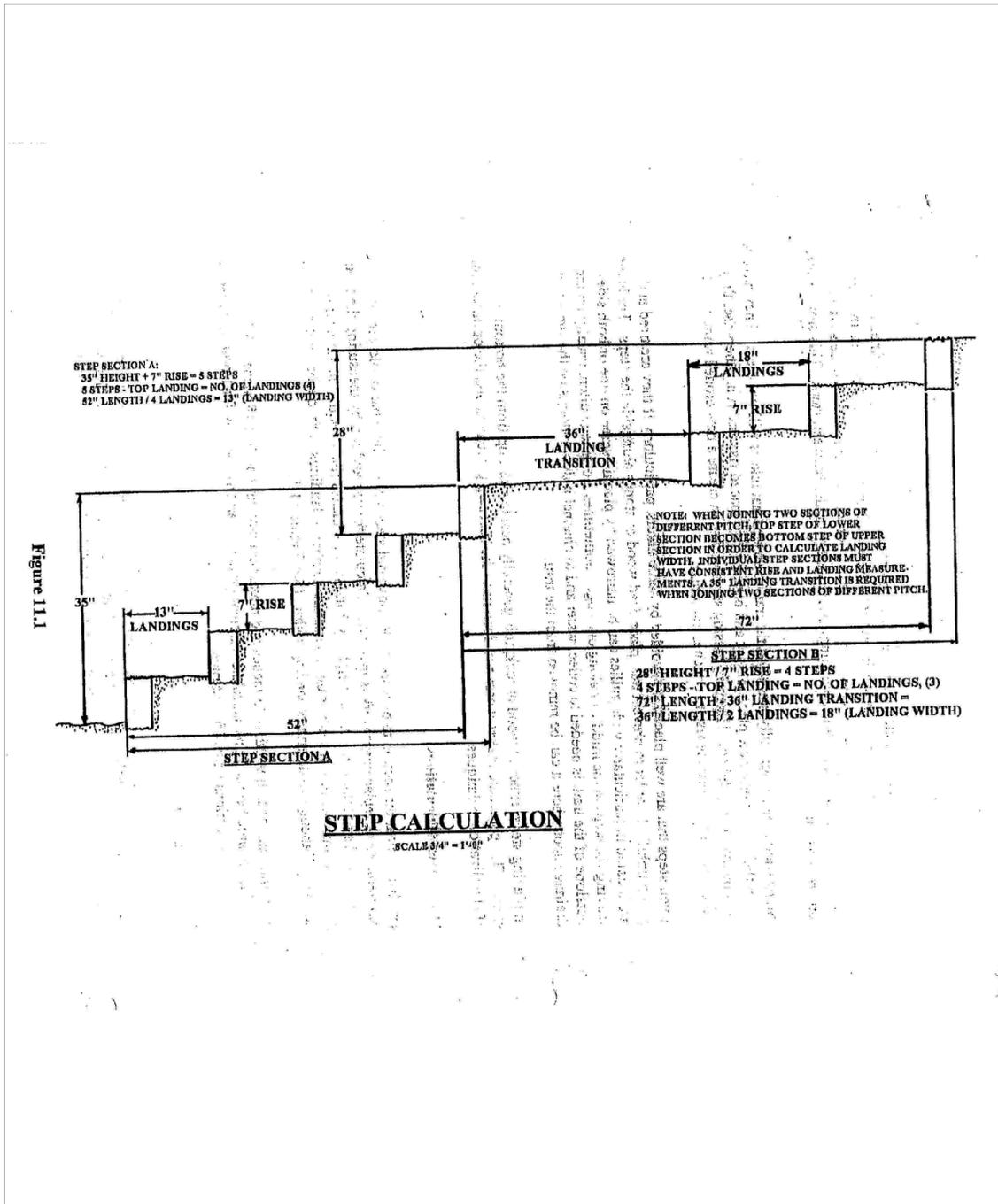
Map produced by the Mendocino County Planning & Building Services, August, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

TRAILWAY EXCAVATION PLAN

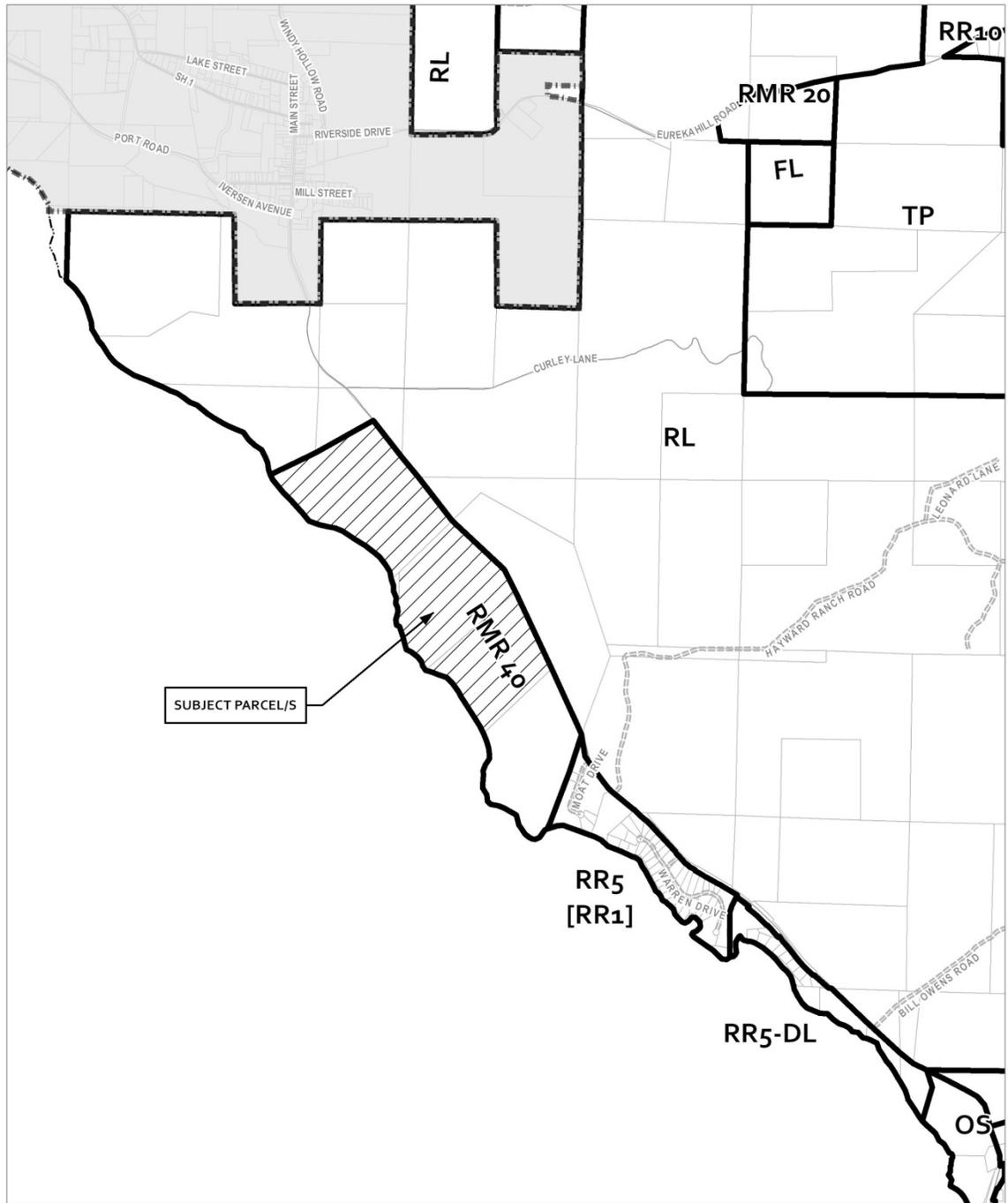


CASE: CDP 2014-0042  
 OWNER: Mendocino Land Trust, Inc.  
 APN: 027-151-08-01  
 APLCT: MLT, Inc.  
 ADDRESS: None Assigned, PA

NO SCALE

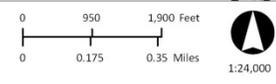
STEP CALCULATIONS

# Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
 OWNER: Various  
 APN: 027-151-08, 027-341-07, 08  
 APLT: Mendocino Land Trust, Inc.  
 ADDRESS: 26300 S. Hwy. 1, PA

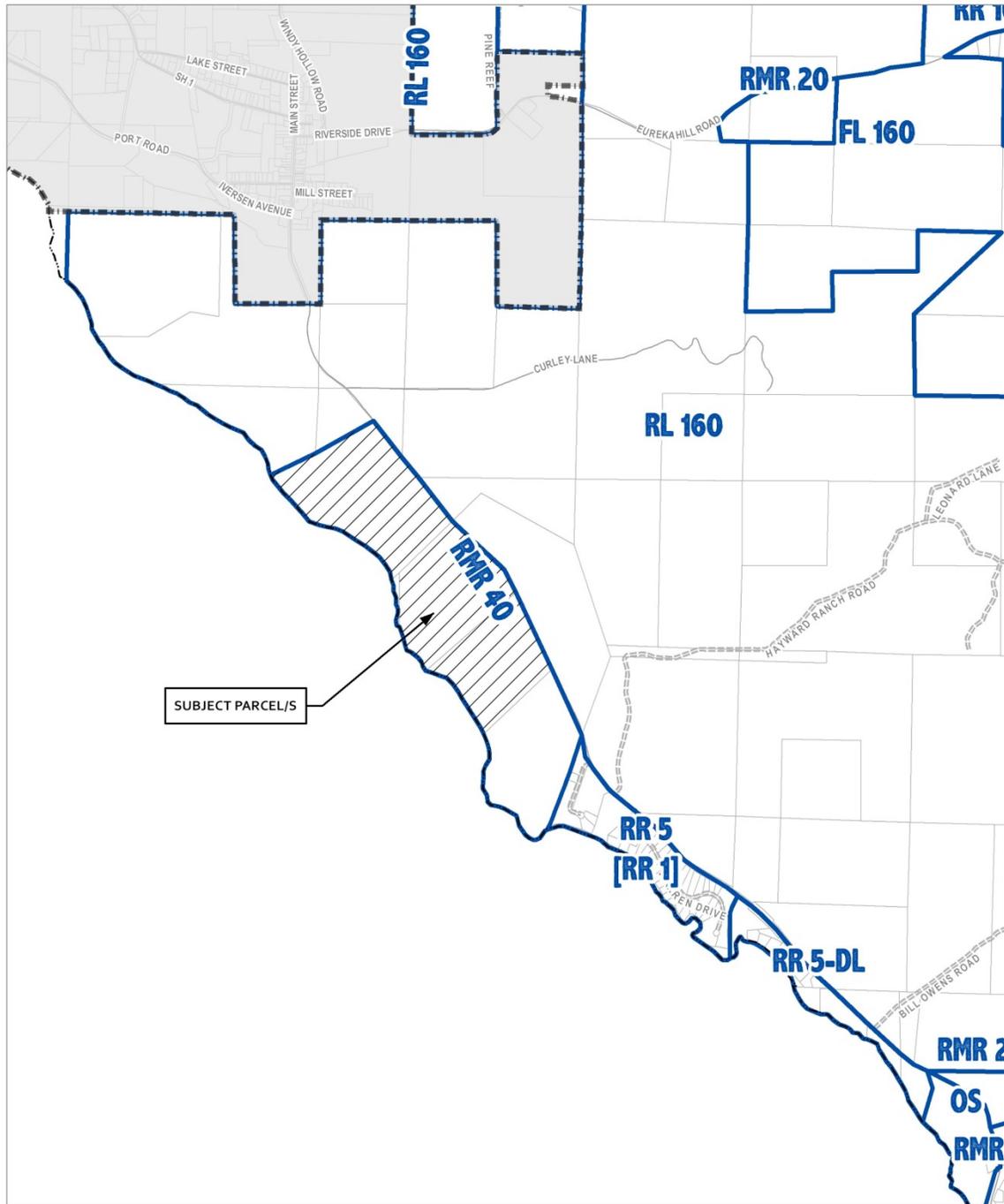
 Incorporated City Limits  
 Zoning Master



ZONING DISPLAY MAP

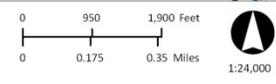
Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

# Exhibit 4: Mitigated Negative Declaration



**CASE: CDP 2014-0042**  
**OWNER: Various**  
**APN: 027-151-08, 027-341-07, 08**  
**APLCT: Mendocino Land Trust, Inc.**  
**ADDRESS: 26300 S. Hwy. 1, PA**

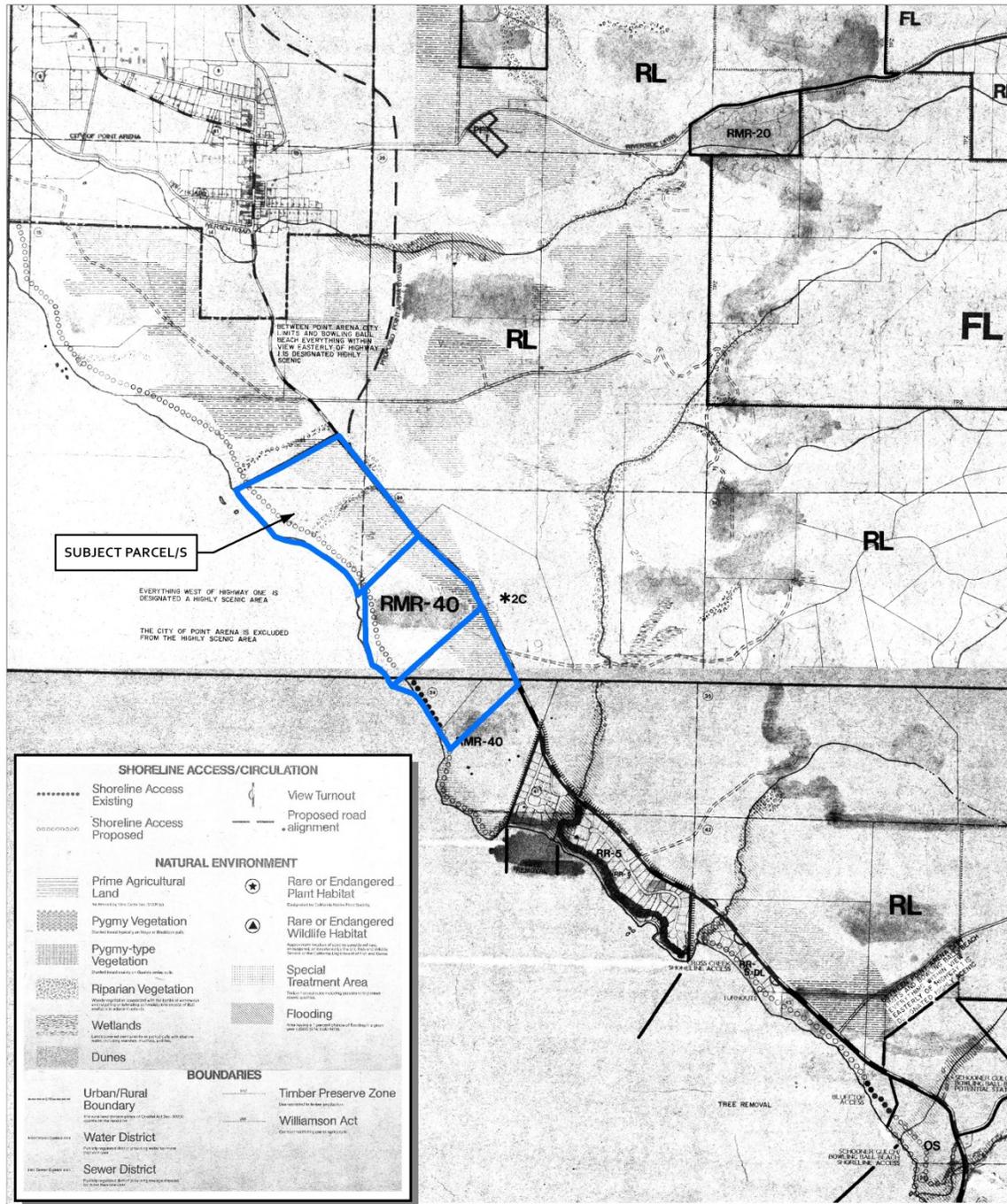
 Incorporated City Limits  
 General Plan Master



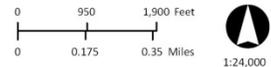
GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

# Exhibit 4: Mitigated Negative Declaration



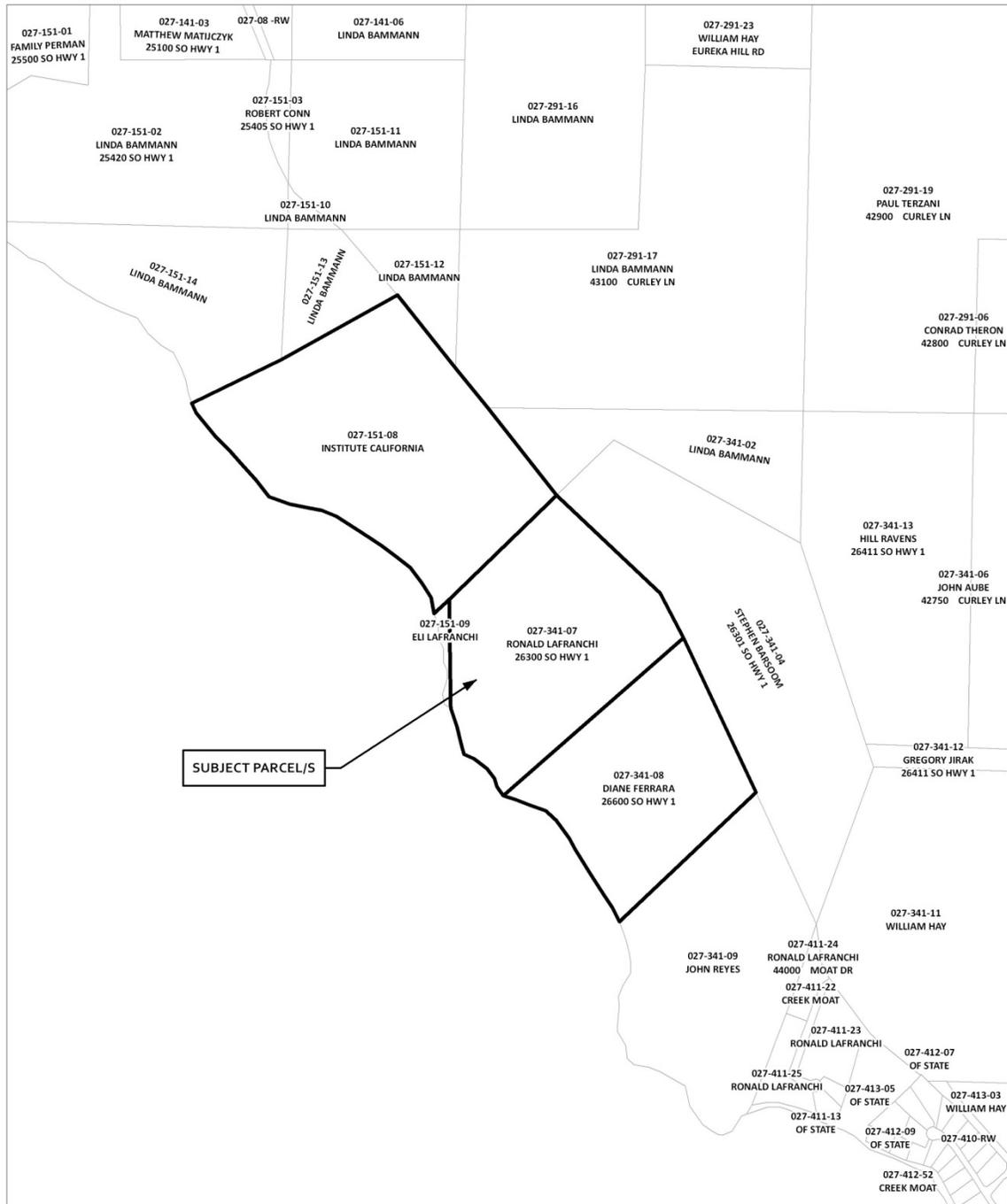
**CASE: CDP 2014-0042**  
**OWNER: Various**  
**APN: 027-151-08, 027-341-07, 08**  
**APLCT: Mendocino Land Trust, Inc.**  
**ADDRESS: 26300 S. Hwy. 1, PA**



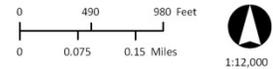
LCP MAPS 25 & 28

Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

# Exhibit 4: Mitigated Negative Declaration



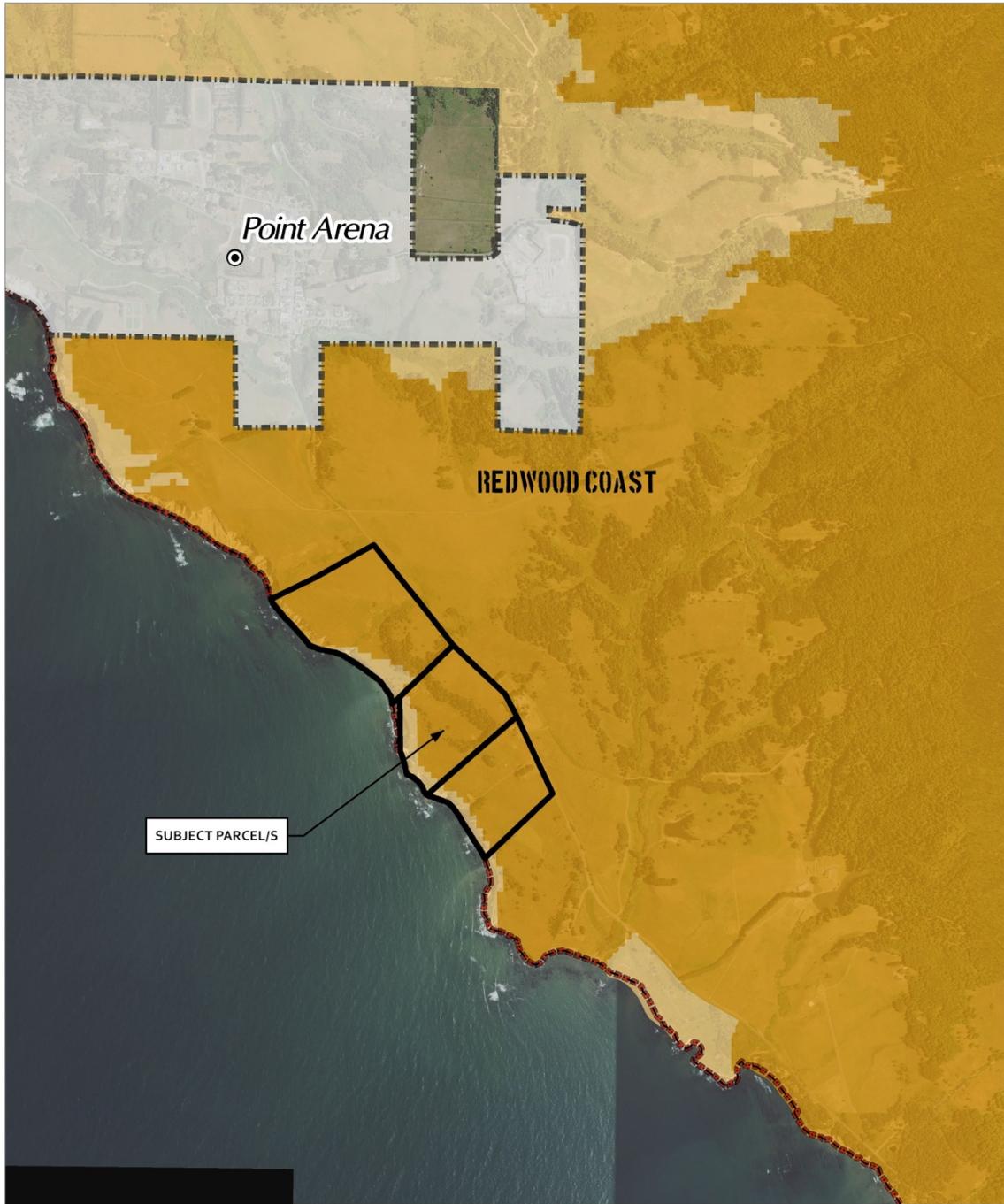
**CASE:** CDP 2014-0042  
**OWNER:** Various  
**APN:** 027-151-08, 027-341-07, 08  
**APLCT:** Mendocino Land Trust, Inc.  
**ADDRESS:** 26300 S. Hwy. 1, PA



ADJACENT PARCELS

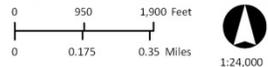
Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
OWNER: Various  
APN: 027-151-08, 027-341-07, 08  
APLT: Mendocino Land Trust, Inc.  
ADDRESS: 26300 S. Hwy. 1, PA

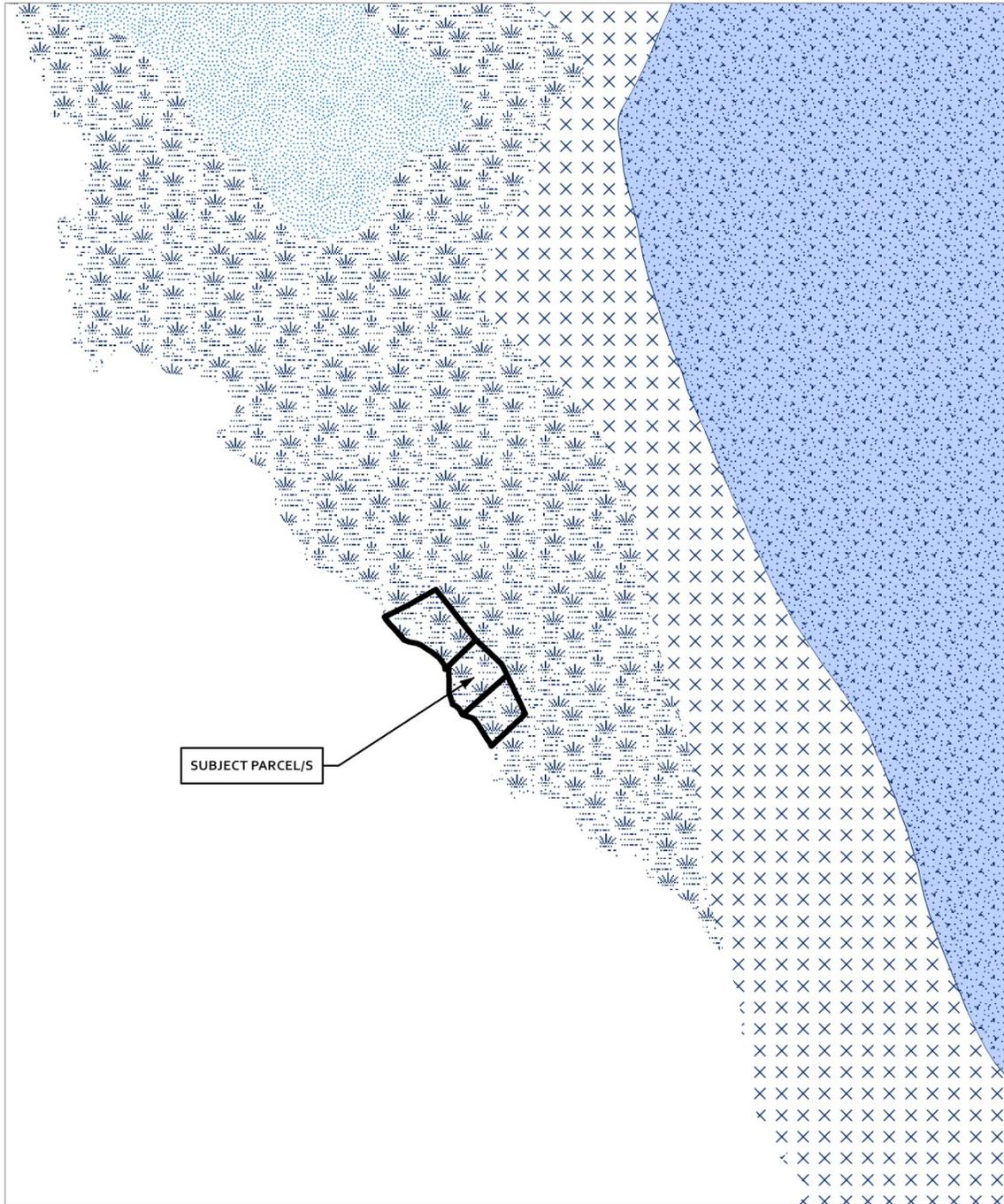
 Incorporated City Limits  
 County Fire Districts  
 High Fire Hazard  
 Moderate Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

# Exhibit 4: Mitigated Negative Declaration



**CASE: CDP 2014-0042**  
**OWNER: Various**  
**APN: 027-151-08, 027-341-07, 08**  
**APLCT: Mendocino Land Trust, Inc.**  
**ADDRESS: 26300 S. Hwy. 1, PA**

- Critical Water Areas
- Sufficient Water Resources
- Marginal Water Resources

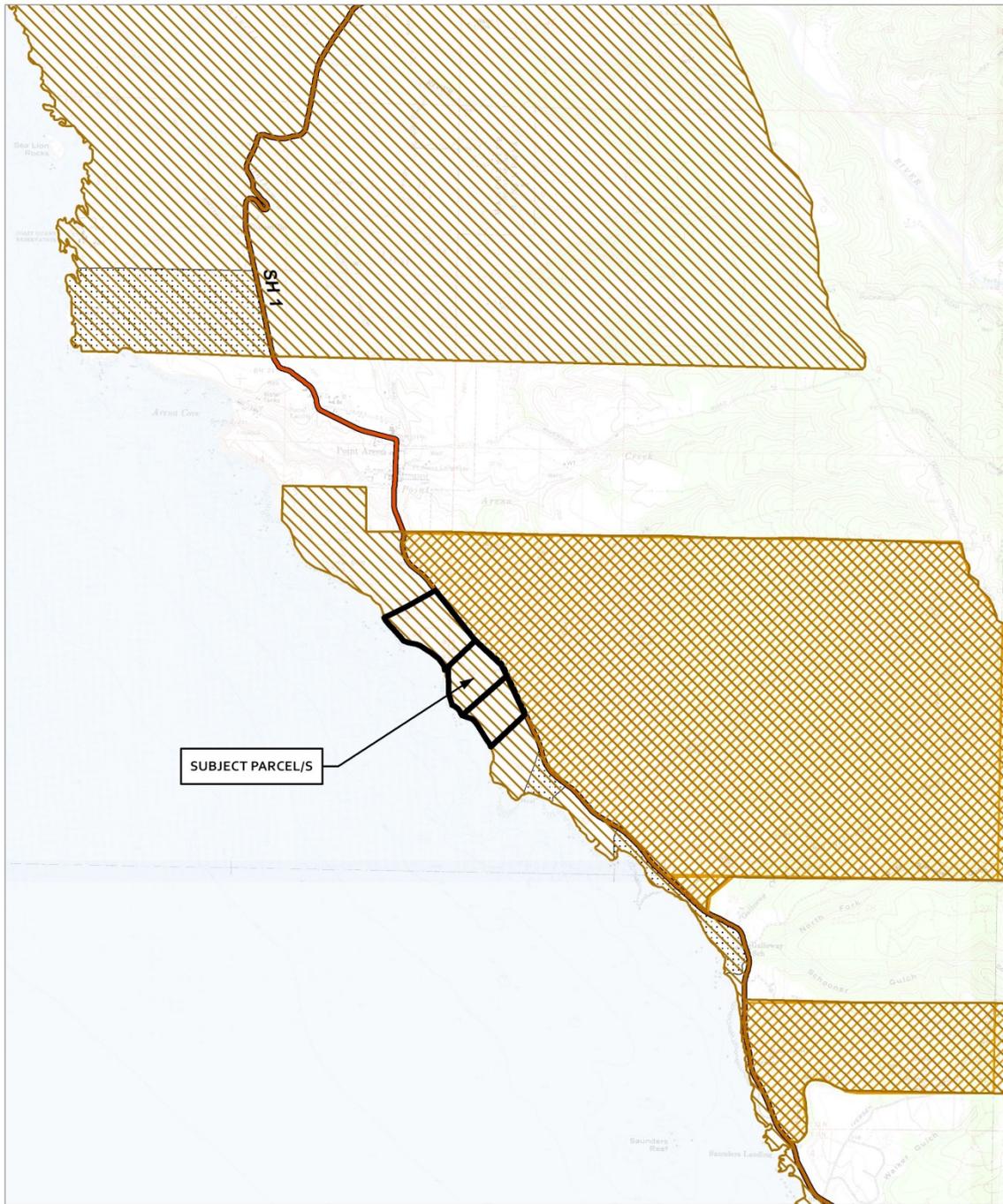
Critical Water Resources Bedrock



## COASTAL GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

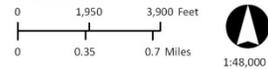
# Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0042  
OWNER: Various  
APN: 027-151-08, 027-341-07, 08  
APLT: Mendocino Land Trust, Inc.  
ADDRESS: 26300 S. Hwy. 1, PA

- Highly Scenic Area
- Highly Scenic Area (Conditional)
- Tree Removal Area

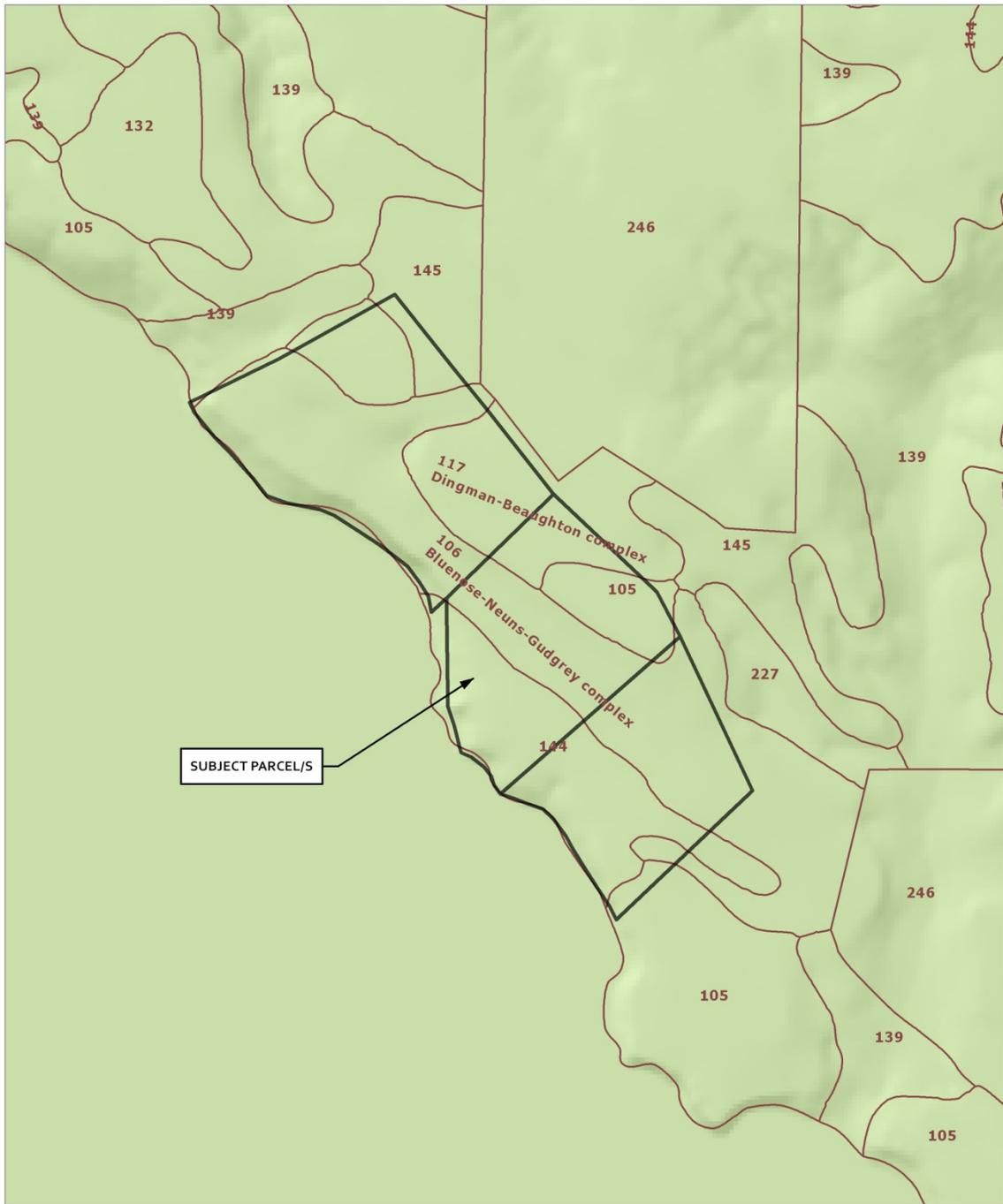
Highways



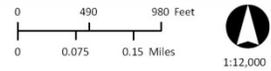
## HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, April, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

# Exhibit 4: Mitigated Negative Declaration



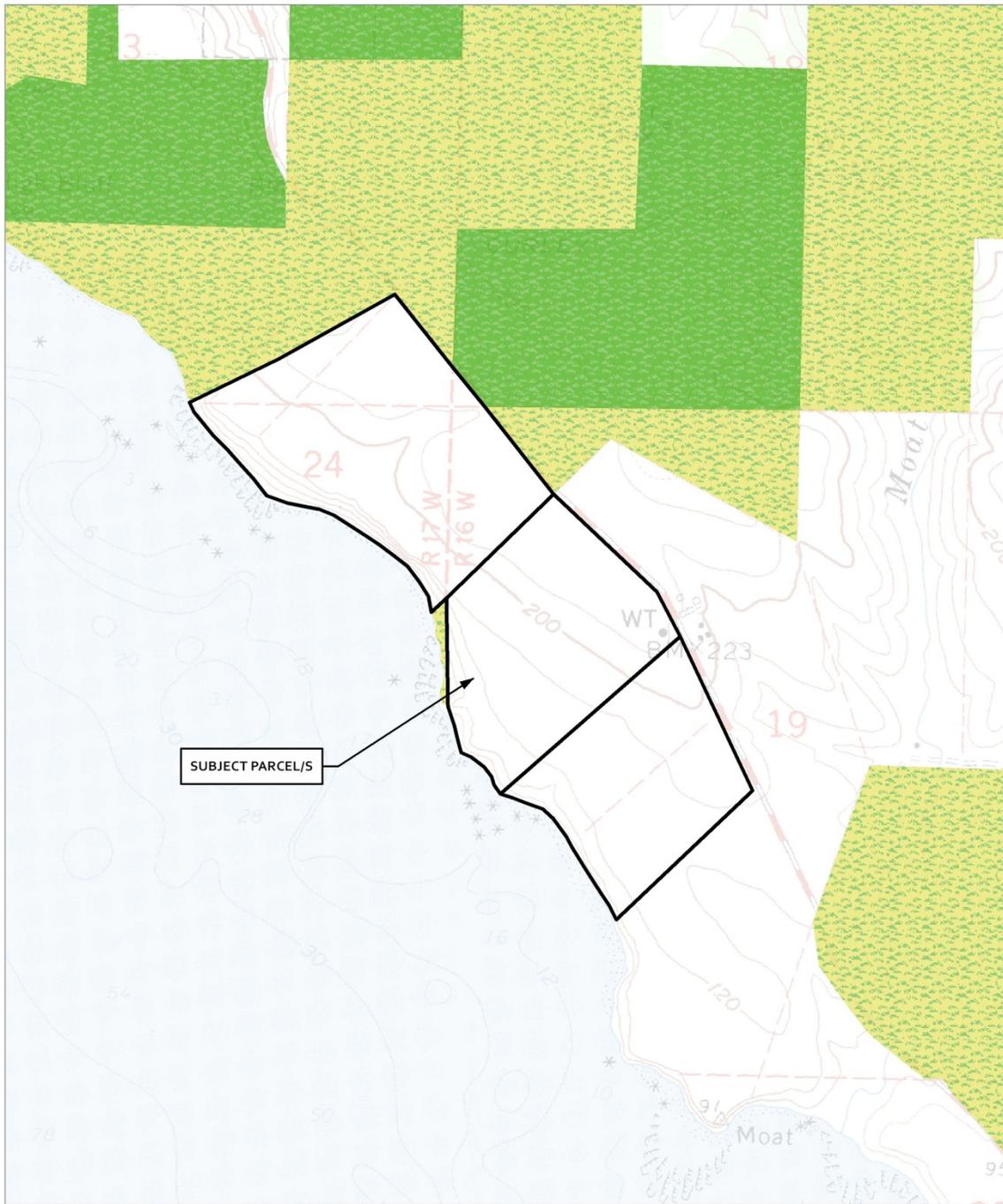
CASE: CDP 2014-0042  
OWNER: Various  
APN: 027-151-08, 027-341-07, 08  
APLT: Mendocino Land Trust, Inc.  
ADDRESS: 26300 S. Hwy. 1, PA



LOCAL SOILS

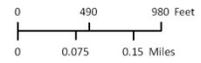
Map produced by the Mendocino County Planning & Building Services, April, 2015  
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# Exhibit 4: Mitigated Negative Declaration



**CASE:** CDP 2014-0042  
**OWNER:** Various  
**APN:** 027-151-08, 027-341-07, 08  
**APLT:** Mendocino Land Trust, Inc.  
**ADDRESS:** 26300 S. Hwy. 1, PA

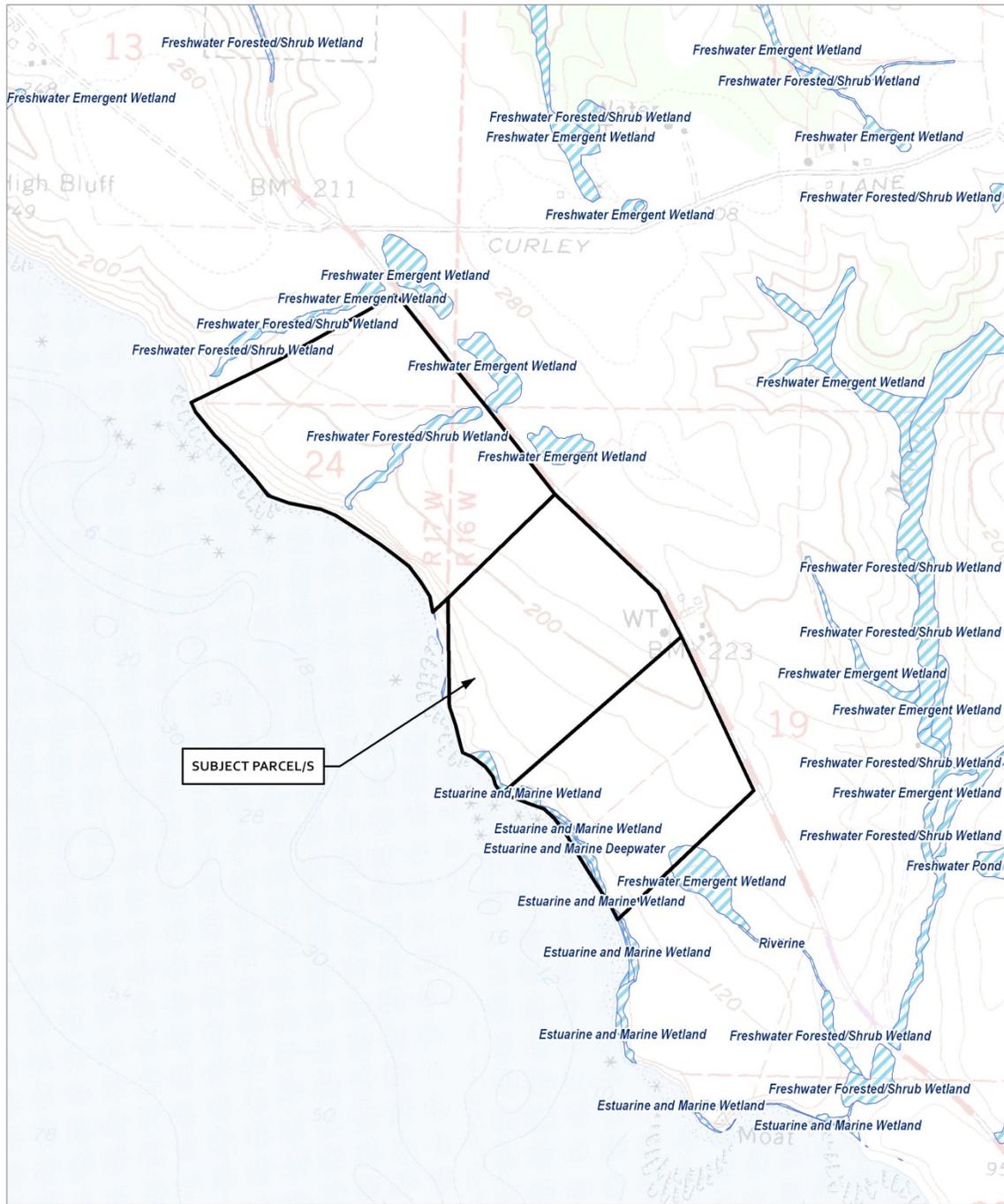
-  Williamson Act 2014
-  Prime Ag 2014
-  Non-Prime Ag 2014



LANDS IN WILLIAMSON ACT CONTRACTS

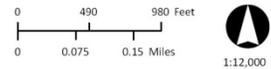
Map produced by the Mendocino County Planning & Building Services, April, 2015  
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 OWNER: Various  
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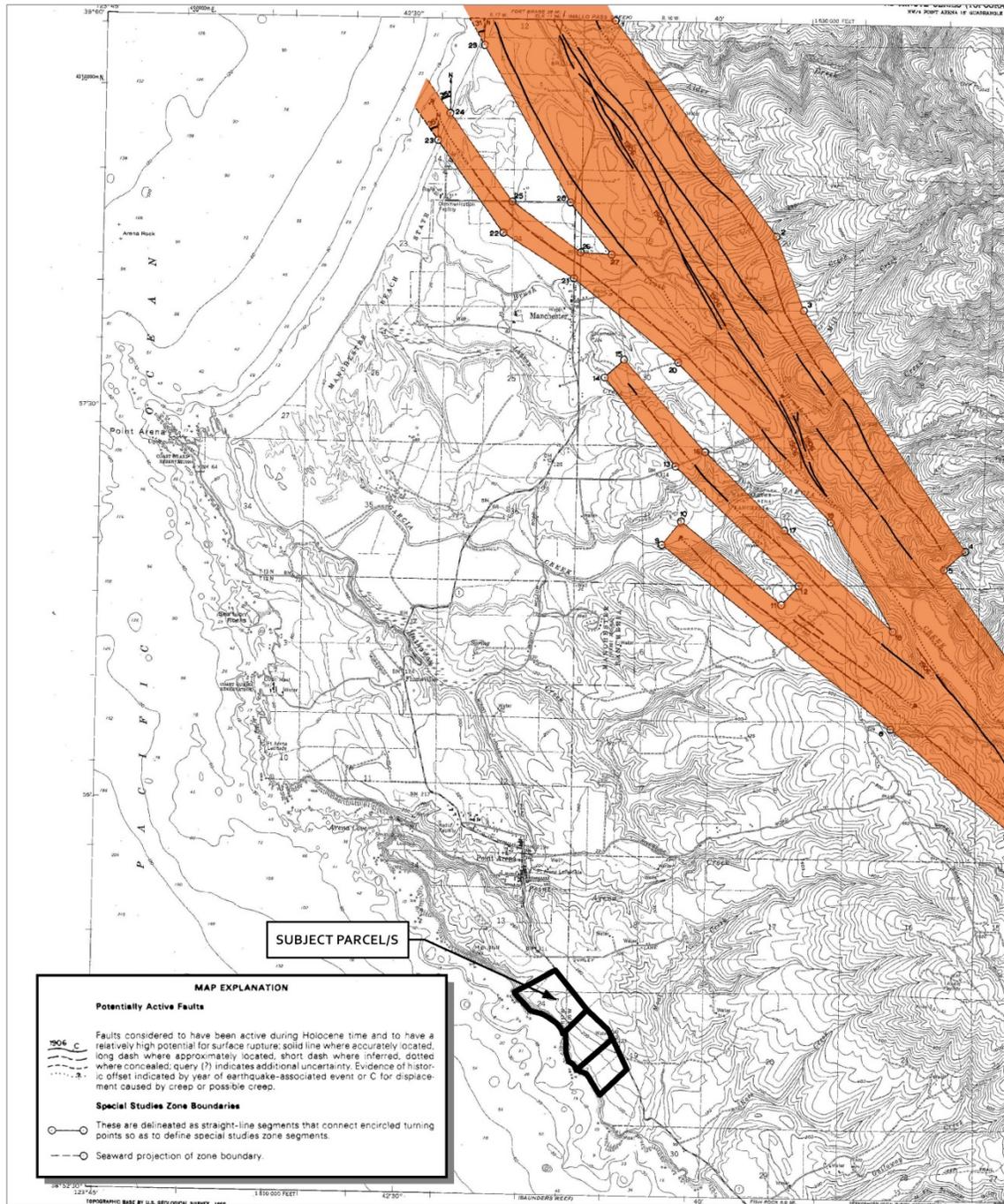
 Wetlands



CLASSIFIED WETLANDS

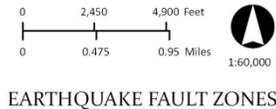
Map produced by the Mendocino County Planning & Building Services, April, 2015  
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# Exhibit 4: Mitigated Negative Declaration



**CASE: CDP 2014-0042**  
**OWNER: Various**  
**APN: 027-151-08, 027-341-07, 08**  
**APLCT: Mendocino Land Trust, Inc.**  
**ADDRESS: 26300 S. Hwy. 1, PA**

 San Andreas Fault Zone



Map produced by the Mendocino County Planning & Building Services, April, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF, DIRECTOR  
PHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

February 8, 2016

**PUBLIC NOTICE OF PENDING ACTION  
STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, March 10, 2016 in the Planning and Building Services Public Conference Room, 860 North Bush Street, Ukiah, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

**CASE#:** CDP\_2014-0039

**DATE FILED:** 11/3/2014

**OWNER:** JACKSON GRUBE FAMILY INC

**APPLICANT:** MENDOCINO LAND TRUST

**PROJECT COORDINATOR:** BILL KINSER

**REQUEST:** The project is for a Coastal Development Permit for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area. The project will also include management signs and fencing to separate cattle from hikers on the trail.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** In the Coastal Zone lying on the west of Highway 1, 5+/- miles south of Westport. Located at 31502 North Highway 1, Westport; APN 015-380-02.

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

STEVE DUNNICLIFF, Director of Planning and Building Services

**STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT**

**CDP\_2014-0039  
MARCH 10, 2016  
CPA-1**

**OWNER:** WILL JACKSON/JACKSON-GRUBE FAMILY  
P.O. BOX 430  
MIDDLEBURY, VT 05753

**APPLICANT:** MENDOCINO LAND TRUST  
PO BOX 1094  
MENDOCINO, CA 95460

**REQUEST:** The project is for a standard Coastal Development Permit for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area. The project will also include management signs and fencing to separate cattle from hikers on the trail.

**LOCATION:** Located in the Coastal Zone, on the west side of Highway One approximately 5 miles south of Westport at 31502 North Highway One (APN: 015-380-02).

**APPEALABLE AREA:** Yes (west of first public road, bluff top)

**PERMIT TYPE:** Standard

**TOTAL ACREAGE:** 147 Acres

**GENERAL PLAN:** Remote Residential/Planned Unit Development (RMR-20-PD)

**ZONING:** Remote Residential District (RMR: Twenty (20) acres)

**EXISTING USES:** Vacant – cattle grazing

**ADJACENT ZONING:** North: AG 60  
East: RL, TP, FL  
South: RMR 20 PD  
West: Pacific Ocean

**SURROUNDING LAND USES:** North: AG 60  
East: RL 160, FL-160  
South: RMR 20 PD  
West: Pacific Ocean

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**OTHER RELATED APPLICATIONS:** CDP 67-2008 (Jackson-Grube Family, Inc.). Construct a 7,000 foot long public access trail consisting of native earth, boardwalks, and two foot bridges. Associated development included fencing and signage. This includes the lateral access along Highway One that will connect two components of CDP 39-2014 --the proposed parking area and the vertical access trail.

Coastal Development Use Permit (CDU) 6-2006 was approved by the Planning Commission on June 21, 2007. The request was to build a 10-unit inn in 2 phases.

Coastal Development Permit No. A-1-MEN-07-28 (Jackson-Grube Family, Inc., Mendocino County). One of the conditions of approval was the granting of the easements that are the location of the improvements that are requested in this coastal development permit.

**PROJECT DESCRIPTION:** As shown in the site plans, the second phase of the Newport Coastal Trail will add: (1) a 4-car parking lot; (2) a trail connecting the existing trail to a viewing platform near the bluff edge; And, (3) the viewing platform. In addition, the project will include management signs and fencing to separate hikers from cattle on the property. An estimated 400 cubic yards of fill will be required.

**SUMMARY RECOMMENDATION:** Approve with Conditions.

**LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION:** The proposed project is consistent with the applicable goals and policies of the Local Coastal Program (LCP) as described below.

**Land Use:** The subject parcel is classified as Remote Residential by the Coastal Element of the Mendocino County General Plan, which is intended "to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses" (Chapter 2 of the County of Mendocino Coastal Element). The principally permitted use designated for the Remote Residential land use classification is "one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation" (Chapter 2 of the County of Mendocino Coastal Element).

The parcel is currently vacant and used for cattle grazing and for the existing trail along Highway One. The current application proposes a public access trail with associated improvements. Passive recreation is a principally permitted use within the Remote Residential classification and is therefore consistent with the district.

**Zoning Requirements:** The subject parcel is zoned Remote Residential as shown on the Zoning Display Map. The intent of the Remote Residential zoning district is "to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred" (MCC Section 20.380.005). The property is currently vacant with a public access trail proposed. The passive recreational use of the parcel is consistent with the intent of the Remote Residential zoning district. The proposed project is consistent with the use, density, yard, height, and lot coverage of the RMR zoning district.

**CEQA:** A draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to CEQA Guidelines Section 15063. The draft environmental document is attached. All application materials are available for review at the Fort Bragg office of the Department of Planning and Building Services.

## Exhibit 4: Mitigated Negative Declaration

With the implementation of mitigation measures recommended in the Proposed Mitigated Negative Declaration, the proposed development will not have any significant adverse impacts on the environment within the meaning of CEQA.

**Hazards:** Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

**Erosion:** The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. The existing contours in the parking area will be altered by the addition of approximately 400 cubic yards of fill. Major grading operations will only be conducted between April 15 to October 16 and all normal best management practices for site work will be followed. The area to be disturbed by construction of the parking area is approximately 0.16 acres (6,970 square feet). Prior to vegetation or topsoil removal, the proposed limits of land disturbance will be clearly marked to ensure only the required land is cleared. The parking lot design and construction will minimize site disturbance by leaving topsoil in place and reinforcing the base of the proposed fill with layers of geotextile fabric. The parking area consists of permeable gravel with only the entry apron connecting the parking area to Highway One being a paved impermeable surface. **Condition 14** is recommended to protect the site from stormwater runoff during construction.

**Natural Resources:** The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan (Chapter 3.1) addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A *Botanical Survey of the Newport Trail (Phase II) Mendocino County, California* (Hulse-Stephens and Heise, 2014) was prepared for this project. The purpose of the study was to determine if rare or endangered plants or plant communities occur within the boundaries of the project, and if so, to recommend alternative strategies to avoid them (Hulse-Stephens and Heise, 2014). The study evaluated three areas: the parking area adjacent to Highway One, the trail that would connect the existing trail to the coastal bluff observation platform, and the proposed area for the observation platform.

The project area was surveyed over three days in 2014: April 16, May 19, and June 19. The vegetation within the project area consists of riparian and grassland vegetation. ***Salix sitchensis* Provisional Shrubland Alliance** Sitka Willow Thickets dominates the riparian community on the northern edge of the study area. This alliance consists of a plant community where Sitka willow is dominant as a tall shrub or low tree canopy and Native blackberry (*Rubus ursinus*) and non-native Himalayan blackberry (*Rubus armeniacus*) occur commonly in the understory (Hulse-Stephens and Heise, 2014). The grasslands are comprised of a mélange of ruderal plants that most closely fit the **California annual grassland series**. The grassland contains relic stands of native purple needlegrass (*Stipa pulchra*) and California oatgrass (*Danthonia californica*) and a wide variety of non-native grasses (Hulse-Stephens and Heise, 2014).

Sensitive plant communities within the study area are the isolated patches of *Nasella pulchra* herbaceous alliance (purple needlegrass grassland) and California oatgrass (*Danthonia californica*). To be determined a purple needlegrass grassland, relative cover in the herbaceous canopy must be greater than 10 percent. Purple needlegrass comprised 10 to 15 percent relative cover in approximately 10 percent of the parking area and in another small stand approximately three (3) meters by three (3) meters north of the vertical easement. In order to be determined as a California oat grass prairie, relative cover in the herbaceous canopy must be greater than 50 percent. No areas were observed in the project area where California oatgrass stand exceeded 25 percent (Hulse-Stephens and Heise, 2014). Additionally, the ten-foot pedestrian easement is located within 100 feet of the riparian area located along the north property boundary.

## Exhibit 4: Mitigated Negative Declaration

No impacts to the riparian area will occur from trail construction; however, the quality of the riparian area and surrounding grassland (between the riparian area and the fenced trail) will likely be affected by the change in management from grazed to non-grazed pasture. The application notes that easement areas will be managed to remove invasive weeds as part of restoration efforts. Management of invasive species within the riparian area and in the area between the riparian area and the fenced trail would require a private agreement between the landowner and Mendocino Land Trust.

The purple needlegrass comprising 10 to 15 percent of the cover in approximately 10 percent of the parking area would likely be impacted by parking area development. The second and smaller patch of purple needlegrass is located outside the trail easement and should not be impacted by development of the trail.

Although Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet, a reduced buffer analysis is impracticable for this project since the project is located on easements that were required as a condition of approval by the California Coastal Commission for Coastal Development Permit No. A-1-MEN-07-028 (CDP 67-2008) and the easements are being used for the specific purpose identified in the approved easements. The California Department of Fish and Wildlife has reviewed the project and all of their recommendations are included in the conditions of approval.

Due to the location of the easement for the parking area, observation platform and trail, the project cannot be moved to alternative locations on the parcel and the applicant has located the improvements in the only possible locations. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. The trail will be located approximately 85 to 95 feet from the riparian area and impacts from foot traffic on the trail will be similar, if not less, than the current impacts from cattle grazing. All feasible mitigation measures recommended in the Botanical Survey (Hulse-Stephens and Heise, 2014) and by the California Department of Fish and Wildlife are required as mitigation measures and conditions of approval. Condition 9 is recommended to ensure that the identified resources will not be significantly degraded by the proposed development, recognizing that there is no feasible less damaging alternative and that all feasible mitigation measures capable of reducing or eliminating project impacts would be implemented. **Condition 9** is recommended in order to provide for the protection of Natural Resources on the site.

### **Drainage:**

Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion. A Preliminary Grading Plan for the parking area is included in the application (Butler Engineering, 2014). The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. The existing contours in the parking area will be altered by the addition of approximately 400 cubic yards of fill. Major grading operations will only be conducted between April 15 to October 16 and all normal best management practices for site work will be followed. The area to be disturbed by construction of the parking area is approximately 0.16 acres (6,970 square feet). Prior to vegetation or topsoil removal, the proposed limits of land disturbance will be clearly marked to ensure only the required land is cleared. The parking lot design and construction will minimize site disturbance by leaving topsoil in place and reinforcing the base of the proposed fill with layers of geotextile fabric. The parking area consists of permeable gravel with only the entry apron connecting the parking area to Highway One being a paved impermeable surface. **Condition 12** is recommended to ensure that the site is developed in accordance with the Preliminary Grading Plan (Butler Engineering, 2014) and Mendocino County requirements.

**Public Access:** Coastal access is regulated under MCC Section 20.528, which provides minimum access standards, methods for securing access and policies related to management of public access trails. As a condition of permit approval for California Coastal Commission Coastal Development Permit No. A-1-MEN-07-028 (CDP 67-2008) the landowners of the parcels subject to the Permit were required to dedicate the following (Mendocino County Records 2011-11078):

A) an approximately 1,000-foot-long 10-foot-wide lateral public access easement adjacent to the Highway One Right-of-Way extending from the southern boundary of the parcel to the northern boundary; and

B) An approximately 1,200 foot-long 10-foot wide vertical public access easement extending across APN 015-380-02 parallel to and 50 feet south of the riparian area extending along the northern boundary of the parcel from the lateral public access easement referred to in part A above to the bluff; and

C) An easement for a public access parking area sufficient for five automobiles that includes a 60-foot-long by 40-foot-wide parking area located seaward of the offered lateral public access easement referred to in Part A above with a driveway connection to Highway One and located approximately 375 feet south of the northern property line of APN 015-380-02; and

D) A 25-foot wide by 25-foot-long easement for a public viewing area and platform located at the seaward end of the vertical public access easement.

The lateral access was approved as part of a previous application and is not part of this request. MCC Section 20.528.015(A) provides the minimum access standards for all access easements to be offered for public use is twenty-five (25) feet with the following exceptions. (1) Where the passageway would adversely impact identified habitat values; (2) Where it would encroach within twenty (20) feet or less of an existing residence; (3) Where there are identified hazardous topographic conditions; and (4) Along Highway 1 where accessway(s) will be fifteen (15) feet wide pursuant to Section 20.528.010. The proposed vertical access is ten (10) feet wide in order to protect the habitat values of the riparian area located to the north of the vertical easement. In order for the proposed project to be consistent with the requirements in Mendocino County Code, **Condition 11** is recommended requiring the applicant to provide an Accessway Management Plan, prior to the issuance of the building permits on the parcel.

**Visual Resources:** Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504. Coastal Element Policy 3.5-1 provides general guidelines for all development in the coastal zone, requiring that:

*The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.*

The project is located in an area that is designated Highly Scenic by the Local Coastal Program (see Highly Scenic and Tree Removal Zones map). Therefore, the project is subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent development criteria include protection of public coastal views, siting of structures on the parcel, and location of access roads in areas where they cause minimal visual impact.

The observation platform is approximately 1,200 feet from Highway One. It will be constructed of redwood and have maximum height of 5'8" and will provide a viewing area for pedestrians while minimally impacting views of the coast from passing traffic on Highway One. The parking area will be slightly lower (one to three feet) than adjacent elevations on Highway One, but parked vehicles will be visible from passing traffic on Highway One. The parking area will be surfaced with rock and landscaped along the north south and west boundaries and would minimally obstruct views from Highway One when in use. During construction, there will be a minor, short term adverse impact, while the parking area is constructed. The trail connecting the parking area to the viewing platform would not affect coastal views

## Exhibit 4: Mitigated Negative Declaration

as only cattle-type fencing would be used to delineate the trail. No exterior lighting is proposed as part of this application. Depictions of the proposed parking area viewed from Highway One and of the proposed observation platform (Attachment C) illustrate that the effect of the parking area and viewing platform on coastal views.

The proposed project is consistent with the criteria for development in a highly scenic area.

**Archaeological/Cultural Resources:** The applicant submitted an *Archaeological Survey of the Kibesillah Vertical Trail and Parking near Westport Mendocino County, California* (Van Bueren, 2014) for the proposed project. Sites were identified within the project area. The Survey was reviewed at the January 14, 2015 Mendocino County Archaeological Commission Hearing. The Archaeological Survey was accepted by the Commission; Condition 15 is recommended to protect the archaeological resources and Condition 16 provides for protection of archaeological resources from future development outside the mapped limits of the project area.

The applicant is also advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

With the inclusion of the recommended conditions of approval, the project is found consistent with protection of paleontological and archaeological resources.

**Noise:** The project with mitigation measures will have a less than significant adverse effect on people exposed to noise levels in excess of established standards. **Condition 17** is recommended to reduce noise impacts during the construction phase of the project.

**Transportation/Circulation:** **Condition 13** requires that the applicant secure an encroachment permit from California Department of Transportation prior to the issuance of building permits for the project.

**Environmental Findings:** The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a mitigated Negative Declaration is adopted.

**Project Findings and Conditions:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

### **FINDINGS:**

1. The proposed development is in conformity with the certified Local Coastal Program.
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The applicant will provide an Accessway Management Plan to the County prior to issuance of building permits.
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. Passive recreation is a principally permitted use in the Remote Residential district.
4. The proposed development, if constructed in compliance with the conditions of approval and the mitigation measures in the initial study, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## Exhibit 4: Mitigated Negative Declaration

5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The project area has been surveyed and the recommendations of the archaeologist are included in the conditions of approval.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan. The project will enhance public access to the coast by providing new access to areas for passive recreational pursuits and nature study.
8. Resource Impact Findings:

The resource as identified will not be significantly degraded by the proposed development and there is no feasible less environmentally damaging alternative and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Due to the location of the easement for the parking area, observation platform and trail, the project cannot be moved to alternative locations on the parcel and the applicant has located the improvements in the only possible locations. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. The trail will be located approximately 85 to 95 feet from the riparian area and impacts from foot traffic on the trail will be similar, if not less, than the current impacts from cattle grazing. All feasible mitigation measures recommended in the Botanical Survey (Hulse-Stephens and Heise, 2014) and by the California Department of Fish and Wildlife are required as mitigation measures and conditions of approval. Condition 9 is recommended to ensure that the identified resources will not be significantly degraded by the proposed development, recognizing that there is no feasible less damaging alternative and that all feasible mitigation measures capable of reducing or eliminating project impacts would be implemented. **Condition 9** is recommended in order to provide for the protection of Natural Resources on the site.

### CONDITIONS OF APPROVAL:

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits, studies, surveys, reports and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:

## Exhibit 4: Mitigated Negative Declaration

- a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- 9.\*\* In order to provide for the protection of Natural Resources, the following measures shall be completed by the applicant.
- a. If possible, impacts to, or removal of *Nasella pulchra* herbaceous alliance should be avoided. If it is not possible to avoid impacts to, or removal of, *Nasella pulchra* herbaceous alliance, mitigation shall be required. Mitigation shall occur onsite, or as near to the project site as is practicable, to an area where they can enhance degraded coastal prairie. Where plants cannot be avoided they shall be replaced at a rate of 2:1. To accomplish 2:1 replacement, seeds should be collected on the site as well. If an adequate number of seeds can be collected (approximately six times the number of plants that will be moved) seeds can be planted on the chosen area onsite. If seed is available only in small amounts (approximately three times the number of plants that would be moved) they should be grown out under nursery conditions and planted as plugs on a reserve where they can be maintained and protected. If seed collection is not possible due to timing or availability of seed, purple needlegrass seed may be obtained from authorized sources.
  - b. If mitigation is necessary, a monitoring plan and performance criteria shall be developed by a qualified biologist prior to issuance of building permits for the project. The plan and criteria shall be followed to ensure success of mitigation planting. The mitigation area shall be effectively protected from future impacts, using measures appropriate to the site.
  - c. Remaining areas of *Nasella pulchra* herbaceous alliance should be protected from future impacts to the extent practicable
  - d. Construction will only occur between April 15th and October 15th when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
  - e. All ground disturbance activities associated with construction of the vertical trail shall maintain a greater than 50-foot buffer from the riparian area on the northern boundary of the property
  - f. All areas within the Mendocino Land Trust easement shall be managed to remove invasive weeds, particularly cape ivy, Italian thistle and blessed milk thistle.

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10. Prior to issuance of the building permit, the applicant shall submit for the approval of the Building Division, a grading and erosion control plan.
- 11.\*\* An Accessway Management Plan shall be provided to Mendocino County and accepted by the Director prior to the issuance of any building permits for the project which shall include, at a minimum, the following:
  - a. Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
  - b. Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
  - c. Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
  - d. Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).
- 12.\*\* The following measures shall be complied with during construction of the parking area. If deviation from these measures or the Preliminary Grading Plan is required, such deviation shall only be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer.
  - a. No construction shall commence without prior approval of the County of Mendocino's Supervising Engineer and California Department of Transportation.
  - b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
  - c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.
  - d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
  - e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
  - f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
  - g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
  - h. Site work can only proceed and must be completed during the dry season, April 15 to October 16.
  - i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of Mendocino Land Trust easements that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. Existing patches of purple needlegrass (*Stipa pulchra*) within the construction area shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.

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- j. Contractor shall provide a final grading plan and erosion control plan prior issuance of the building permit for the parking area and install and maintain erosion control measures shown on the plan, prior to grading operations.
- 13.\*\* The applicant shall secure an encroachment permit from California Department of Transportation prior to the issuance of building permits for the project.
- 14.\*\* The applicant shall ensure the site is protected from stormwater runoff during construction.
  - a. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
  - b. No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.
  - c. Disturbed areas will be mulched with at least 2 to 4 inches of certified weed-free straw mulch and covered with an appropriate seed mix where necessary before replanting.
  - d. All temporary fill, synthetic mats and silt fences will be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics will be used, where possible.
  - e. Material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
  - f. The following BMPs shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into coastal waters during the transportation and storage of excavated contaminated materials:
    - EC-2 Preservation of Existing Vegetation
    - EC-6 Straw Mulch
    - EC-7 Geotextile and Mats
    - WM-9 Sanitary/Septic Waste Management
- 15.\*\* To ensure avoidance of impacts to prehistoric resources, all construction activities, construction vehicle access, and staging shall avoid entry within the mapped boundary of the site. Permanent fencing shall be placed around the identified sensitive area that is sufficient to protect the sensitive area from disturbance from cattle as well as deter trespassing. A sign is recommended near the site that will deter visitors from trespassing onto surrounding private lands and stresses the need to avoid impacts to sensitive environmental resources.
- 16.\*\* In the event that an archaeological resource is encountered during future development of the project outside of the mapped limits of the two discovered archaeological resources, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the new discovery; 2) notify the Director of Planning and Building Services Department within 24 hours of the discovery; and, 3) retain a professional archaeologist to evaluate the find and negotiate a suitable course of action in consultation with the easement owner, Planning director, and any other parties of interest (e.g., Native Americans).
- 17.\*\* The following measures to reduce noise impacts shall be complied with during the construction phase of the project.
  - a. Workers will be required to wear hearing protection when in the vicinity of or while operating equipment producing noise levels equal to or greater than 85 db.

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b. Restrict noise from earthmoving and hauling of soils.

- Hours of construction for outdoor activities exceeding 50 dBA shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. and weekends and holidays from 9:00 a.m. to 6:00 p.m. Movement and hauling of material, and associated activities such as re-fueling or maintenance, shall be limited to normal working hours for the area, as specified above. More restrictive operation hours may be specified in the construction documents and may be property-specific.
- All equipment shall operate with factory-equipped mufflers, and staging areas shall be located as far from residential uses as is practical. These conditions shall be incorporated into project contract specifications.
- Construction personnel shall conduct all work activities in a manner that minimizes noise generation. A variety of contractor actions are available that will reduce construction noise, including: i) turning off engines on all construction equipment not in active use, ii) shielding noisy equipment with less noisy equipment, and iii) avoiding high RPM engine operation whenever possible.

18. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2,260.25 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

“\*\*\*” Indicates that a condition is also included in Mitigated Negative Declaration.

Staff Report Prepared By:

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DATE

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BILL KINSER  
SENIOR PLANNER

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission’s receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 (For an appeal to the Mendocino County Board of Supervisors.)

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

<b>REFERRAL AGENCIES</b>	<b>RELATED PERMIT</b>	<b>COMMENT (No Response, No Comment, Comments)</b>	<b>DATE</b>
Planning – Ukiah		No Response	
Department of Transportation		No Response	
Environmental Health – Ft Bragg		No Response	
Building Inspection – Ft Bragg	Building Permit	No Response	
Assessor		No Response	
Agricultural Commissioner		Comments	01-22-15
Archaeological Commission		Comments	01-14-15
U.S. Fish and Wildlife Service		No Response	
Trails Advisory Council		No Response	
Native Plant Society		No Response	
Caltrans	Encroachment Permit	No Response	
CalFire		No Comment	12-18-14
Department of Fish & Wildlife		Comments	01-22-16
Coastal Commission		No Response	
Dept. of Parks & Recreation		No Response	
CHP		No Comment	12-16-14
Westport Mac		Comments Forthcoming	

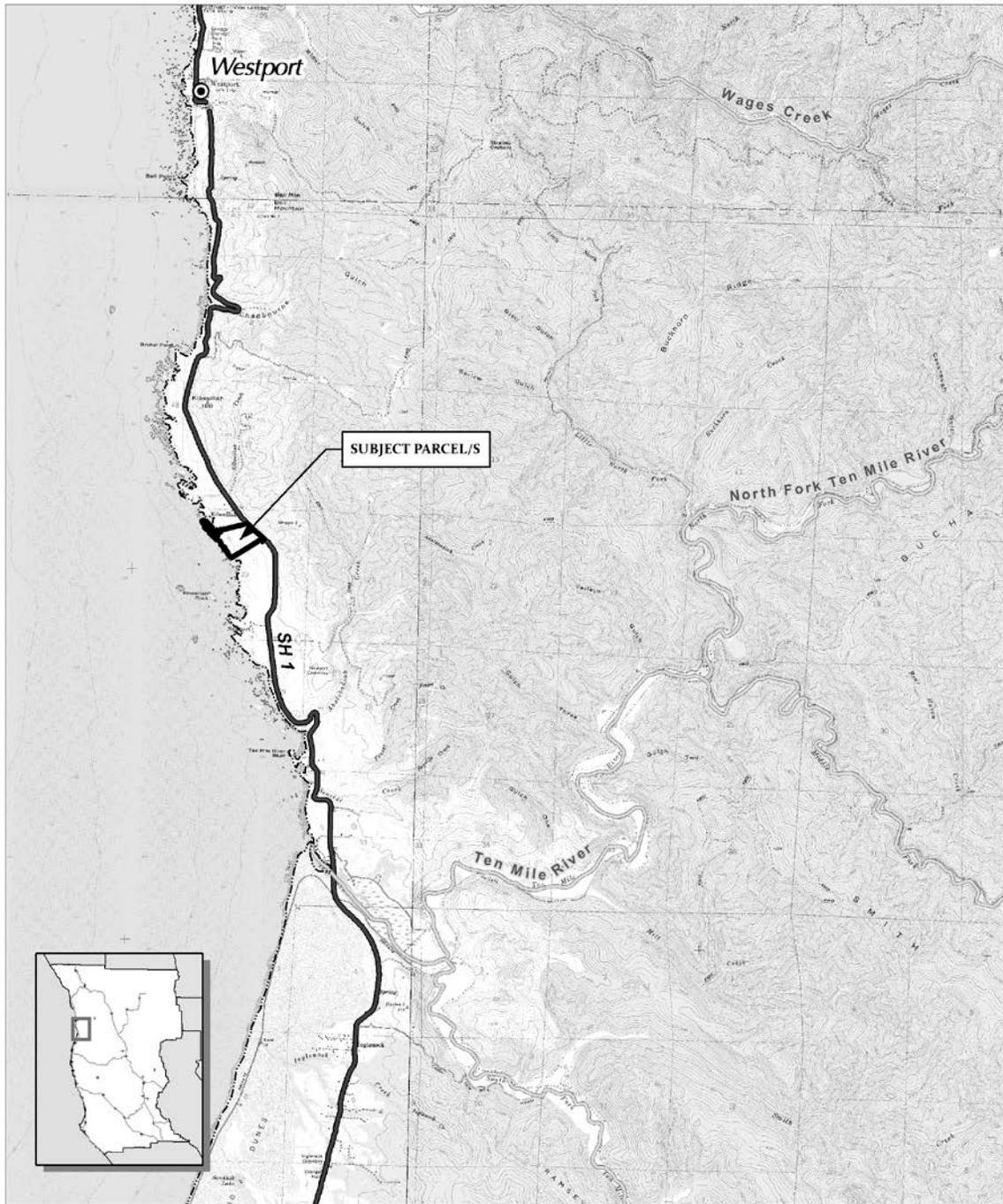
**ATTACHMENTS**

- A. Location Map
- B. 2014 NAIP Imagery
- C. Oblique Aerial Image
- D. Easements
- E. 10-Foot Vertical Public Access Easement
- F. Public Access Parking Easement
- G. Public Access Viewing Easement
- H. Site Plan
- I. Proposed Parking Improvements – Looking Northwest
- J. Proposed Observation Platform – Looking Northwest
- K. Proposed Observation Platform Plan
- L. Proposed Observation Platform Elevations
- M. Preliminary Grading Plan (forthcoming)
- N. Zoning Display Map
- O. General Plan Classifications
- P. LCP Map 8 & 10 (Westport and Newport)
- Q. Adjacent Parcels
- R. Fire Hazard Zones and Responsibility Areas
- S. FEMA Flood Zone
- T. Highly Scenic and Tree Removal Zones
- U. Estimated Slope
- V. Local Soils
- W. Lands in Williamson Act Contracts

**Initial Study and Draft Mitigated Negative Declaration**

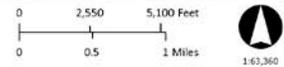
**Coastal Approval Checklist**

Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

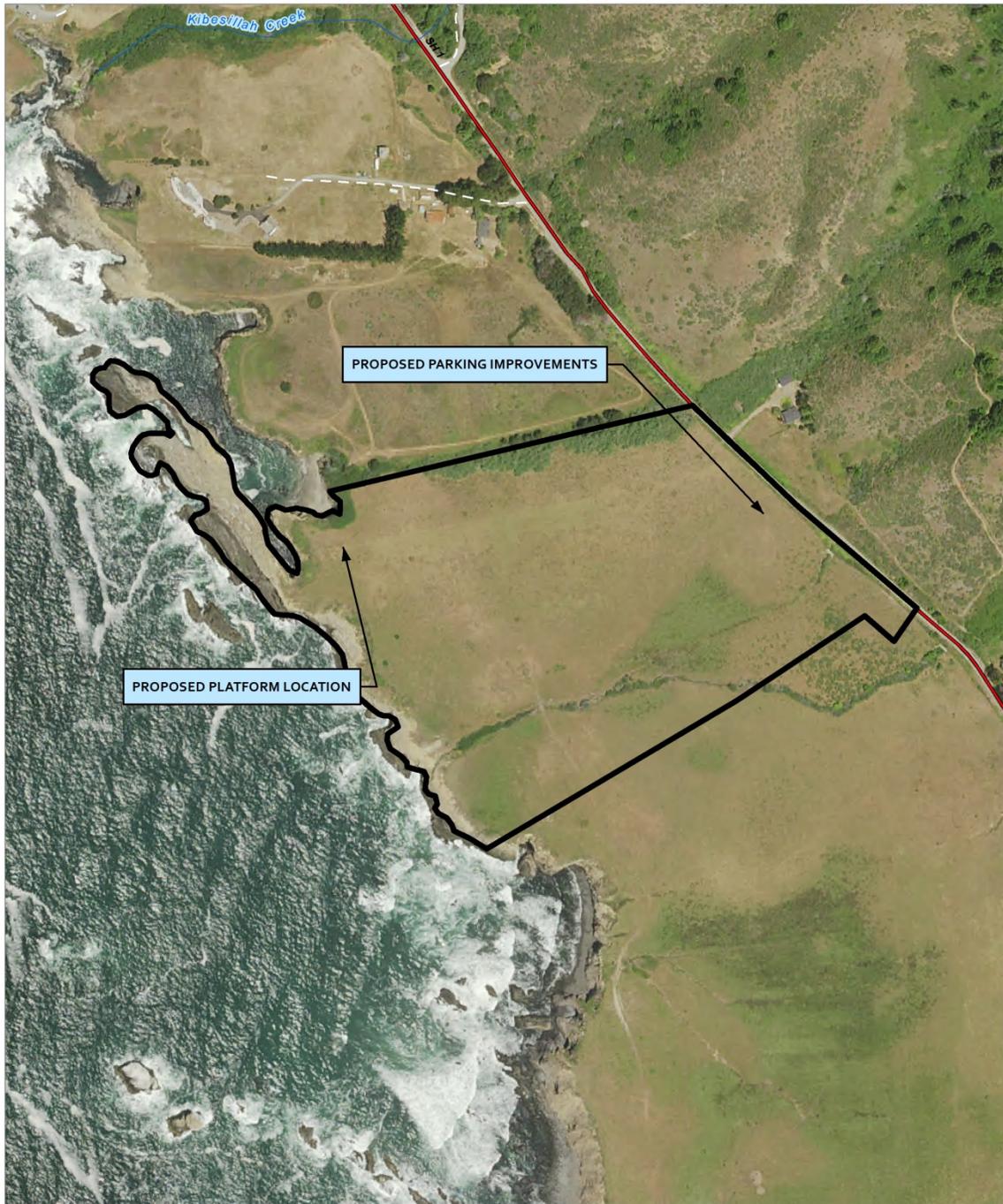
-  Major Towns & Places
-  Major Rivers
-  Highways



LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, December, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

Exhibit 4: Mitigated Negative Declaration



CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

 Named Rivers  
 Public Roads  
Driveways/Unnamed Roads

0 200 400 Feet  
0 0.035 0.07 Miles  
  
1:4,800

2014 NAIP IMAGERY

Map produced by the Mendocino County Planning & Building Services, December, 2015  
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Exhibit 4: Mitigated Negative Declaration



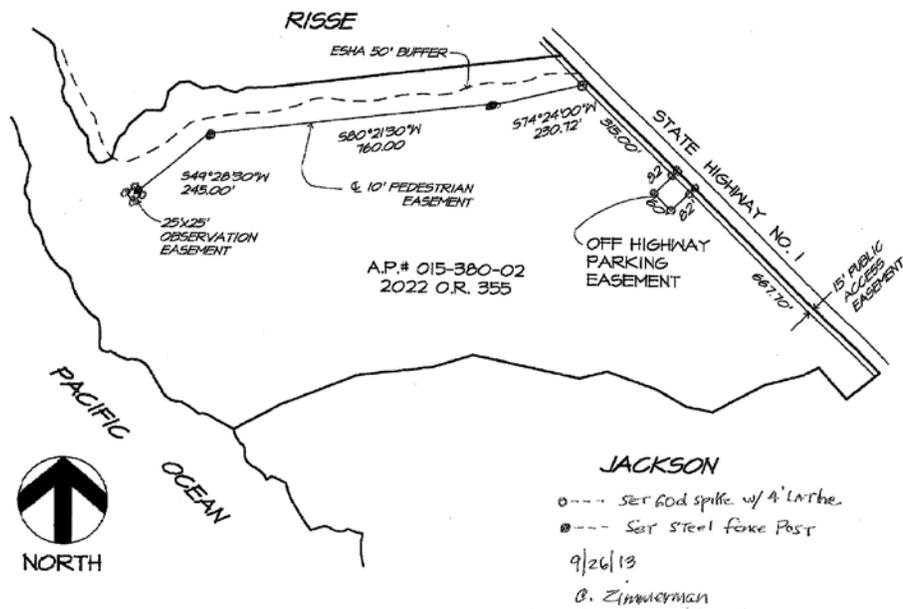
**CASE:** CDP 2014-0039  
**OWNER:** Jackson Grube Family, Inc.  
**APN:** 015-380-02  
**APLCT:** Mendocino Land Trust  
**ADDRESS:** None Assigned, WE

NO SCALE

OBLIQUE AERIAL IMAGE

Map produced by the Mendocino County Planning & Building Services, January, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

# EXHIBIT MAP EASEMENTS

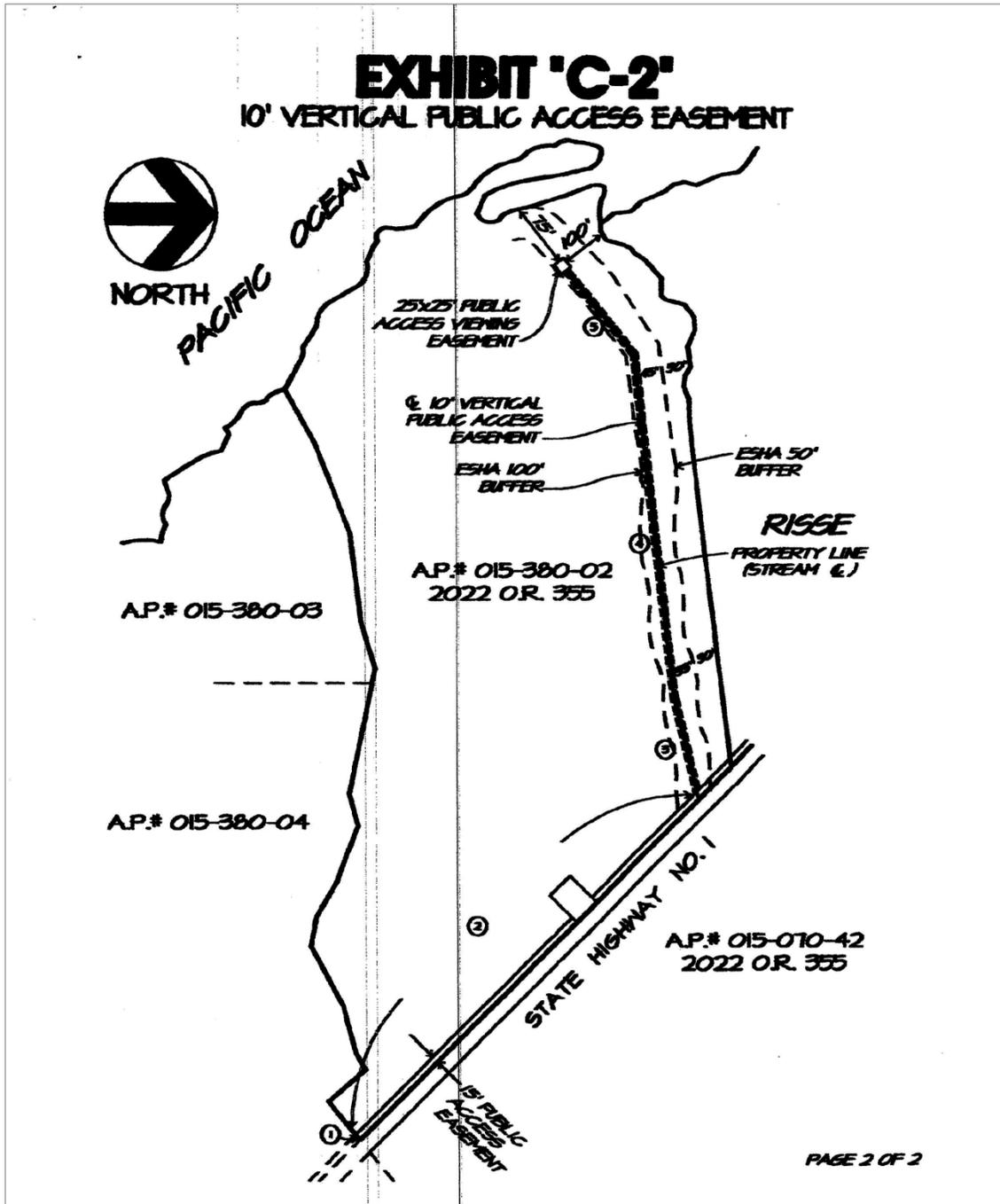


CASE: CDP 2014-0039  
 OWNER: Jackson Grube Family, Inc.  
 APN: 015-380-02  
 APLT: Mendocino Land Trust  
 ADDRESS: None Assigned, WE

NO SCALE

EASEMENTS

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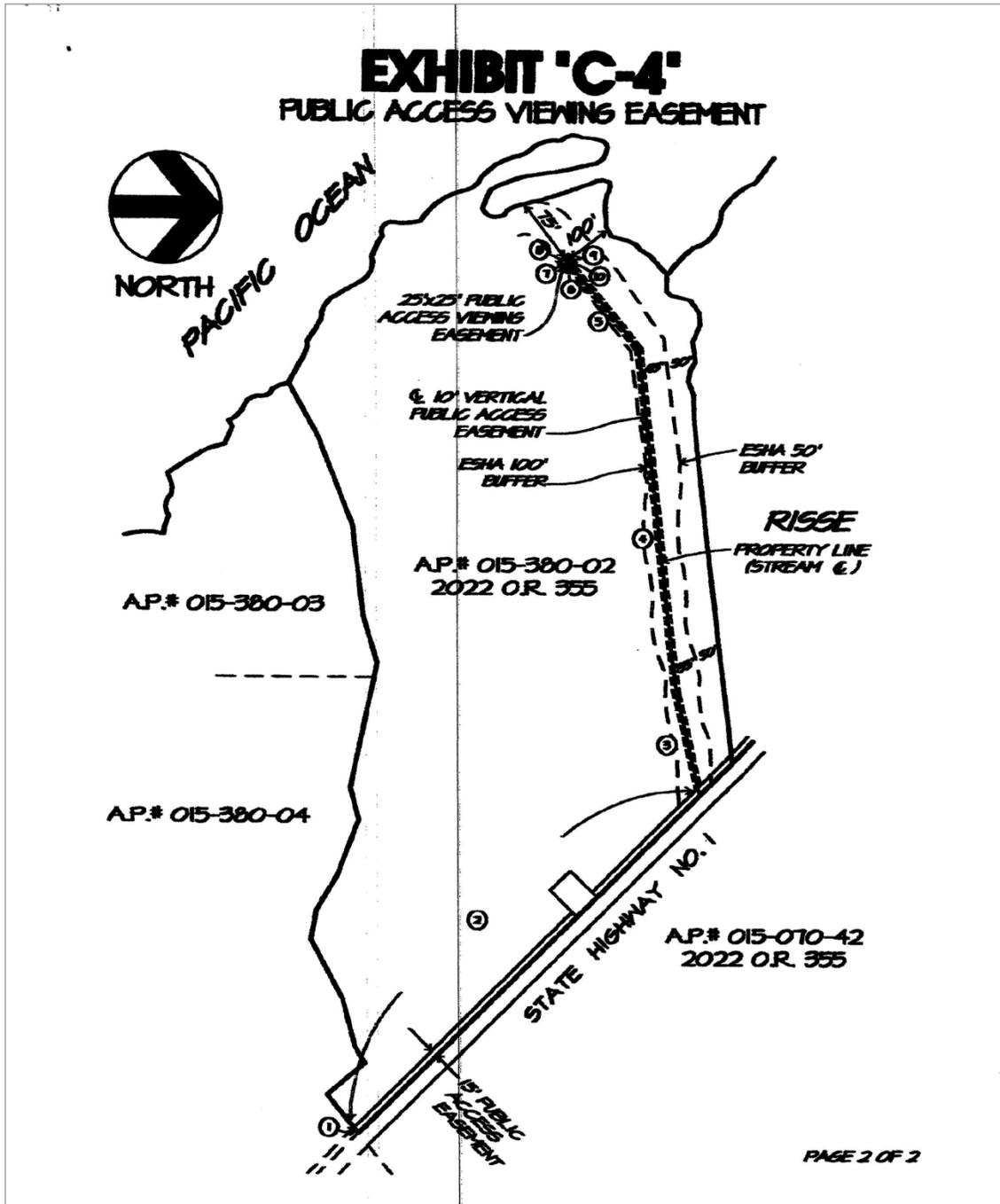
CASE: CDP 2014-0039  
 OWNER: Jackson Grube Family, Inc.  
 APN: 015-380-02  
 APLCT: Mendocino Land Trust  
 ADDRESS: None Assigned, WE

NO SCALE

PUBLIC ACCESS EASEMENT

Map produced by the Mendocino County Planning & Building Services, February, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.



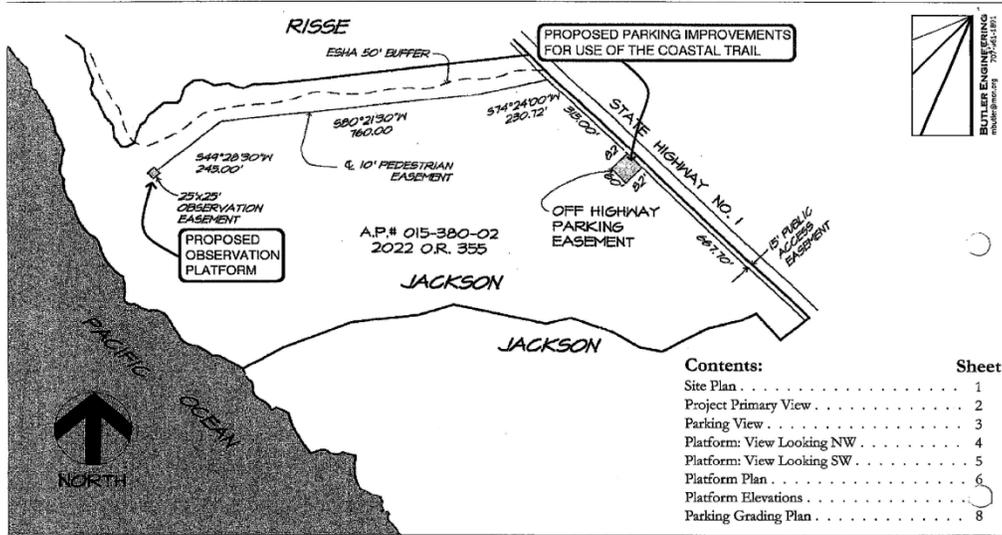


CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

NO SCALE

VIEW EASEMENT

Map produced by the Mendocino County Planning & Building Services, February, 2016  
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This submittal is for a proposed observation platform on the coastal trail easement, and the associated parking improvements for use of the trail.

For Submittal 09/05/14

Newport Coastal Trail - Phase 2 - Mendocino Coast, California

Site Plan / Easement Map & Sheet Index

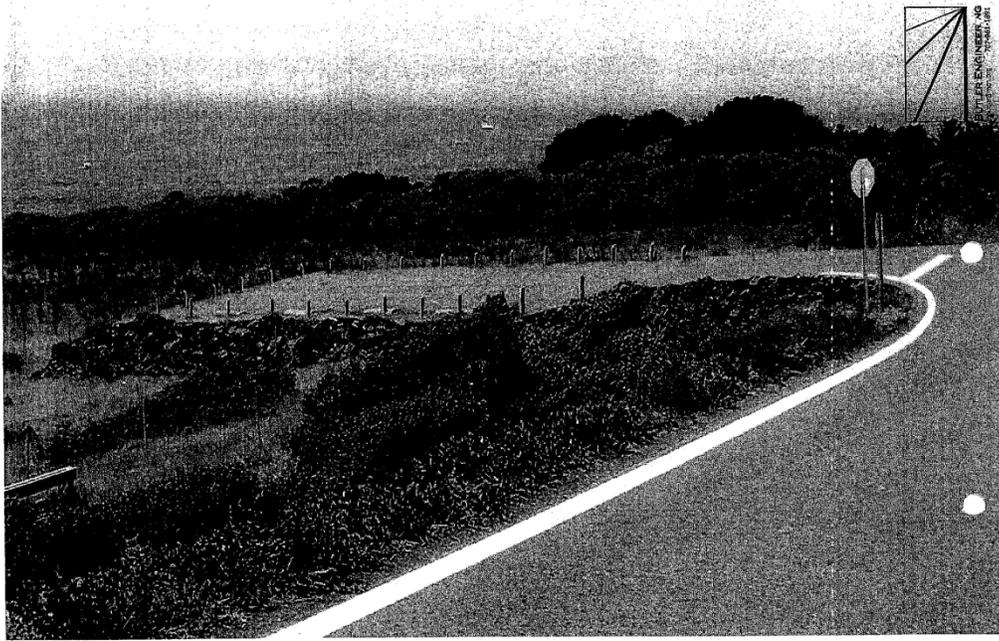
Sheet 1 of 8

CASE: CDP 2014-0039  
 OWNER: Jackson Grube Family, Inc.  
 APN: 015-380-02  
 APLCT: Mendocino Land Trust  
 ADDRESS: None Assigned, WE

NO SCALE

SITE PLAN

Map produced by the Mendocino County Planning & Building Services, December, 2015  
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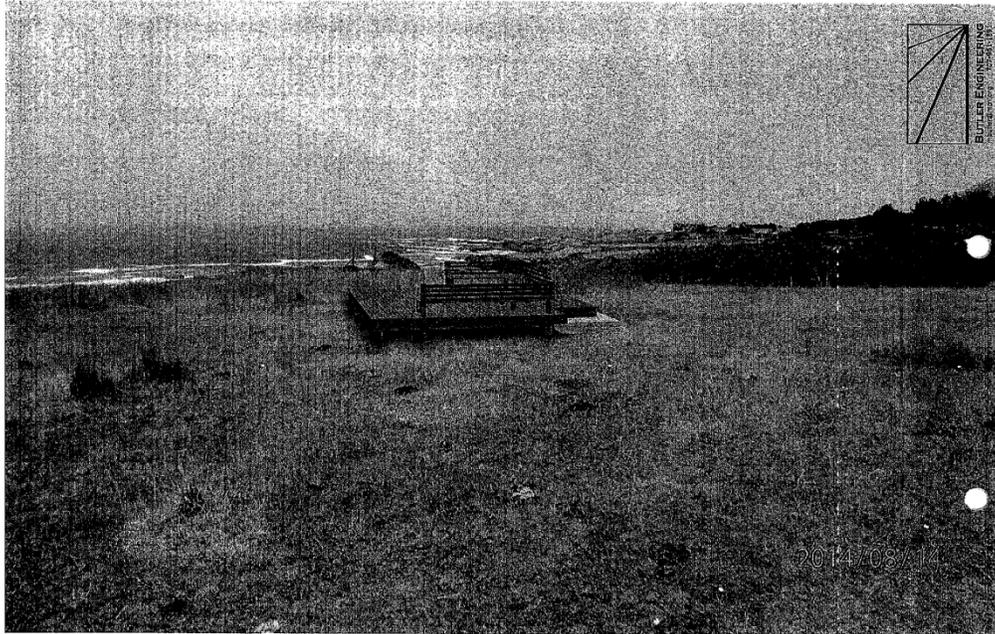
Newport Coastal Trail - Phase 2 - Mendocino Coast, California  
Proposed Parking Improvements - Looking Northwest

Sheet 3 of 8

CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

NO SCALE

LOOKING NORTHWEST



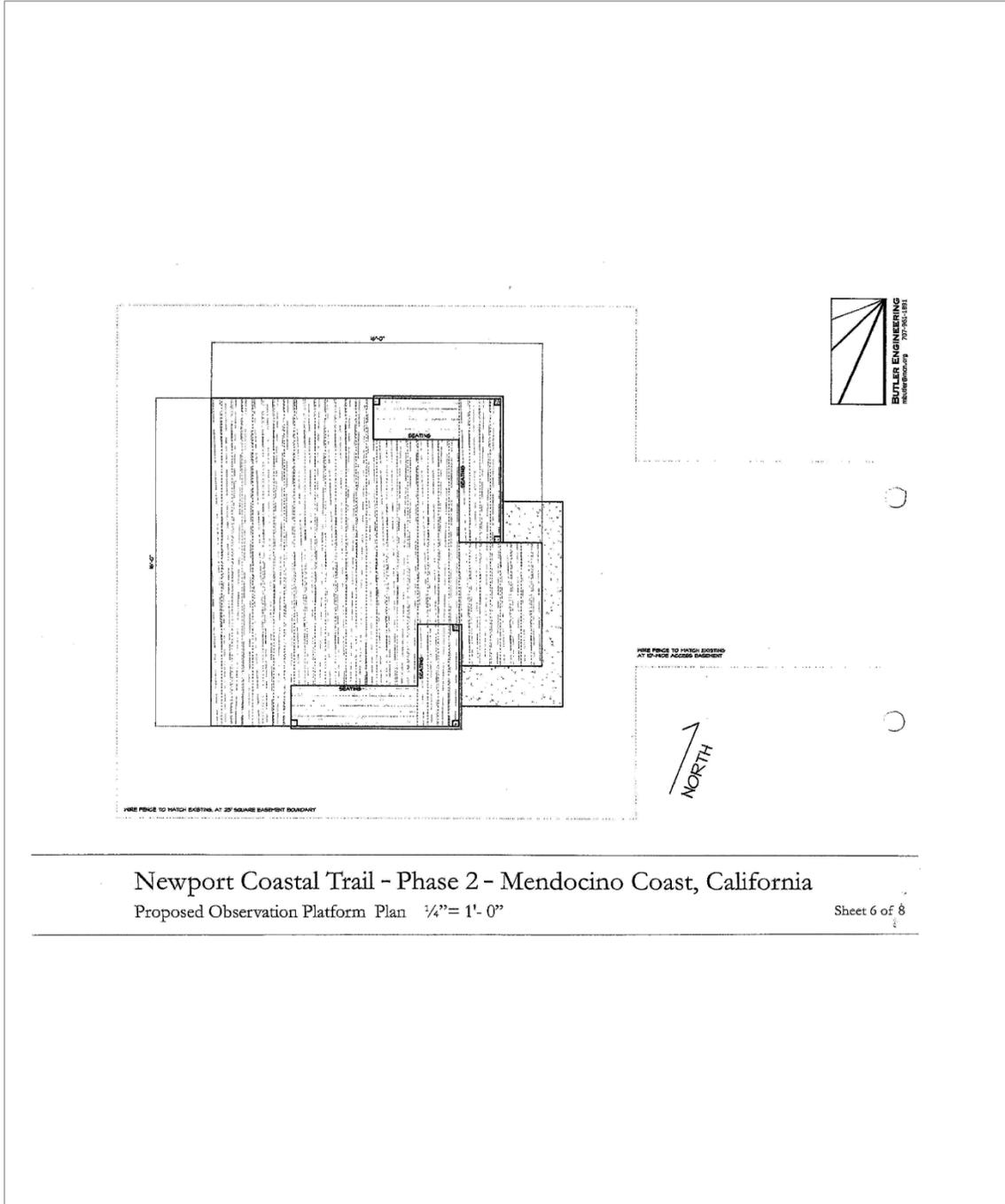
Newport Coastal Trail - Phase 2 - Mendocino Coast, California  
Proposed Observation Platform - Looking Northwest

Sheet 4 of 8

CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
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NO SCALE

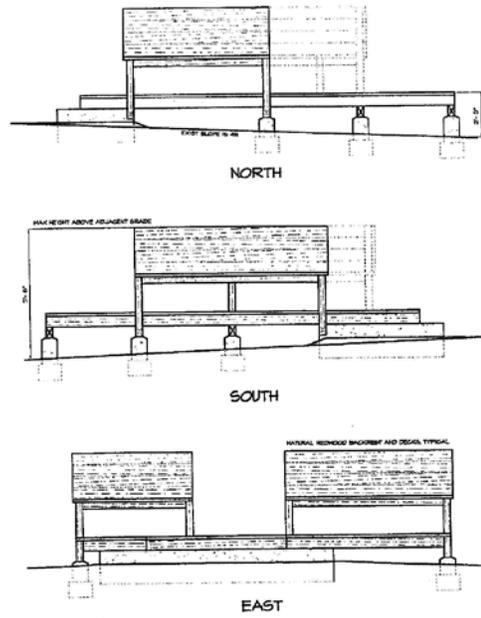
PROPOSED PLATFORM



CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

NO SCALE

PLATFORM PLAN



Newport Coastal Trail - Phase 2 - Mendocino Coast, California  
Proposed Observation Platform Elevations 1/4" = 1'-0"

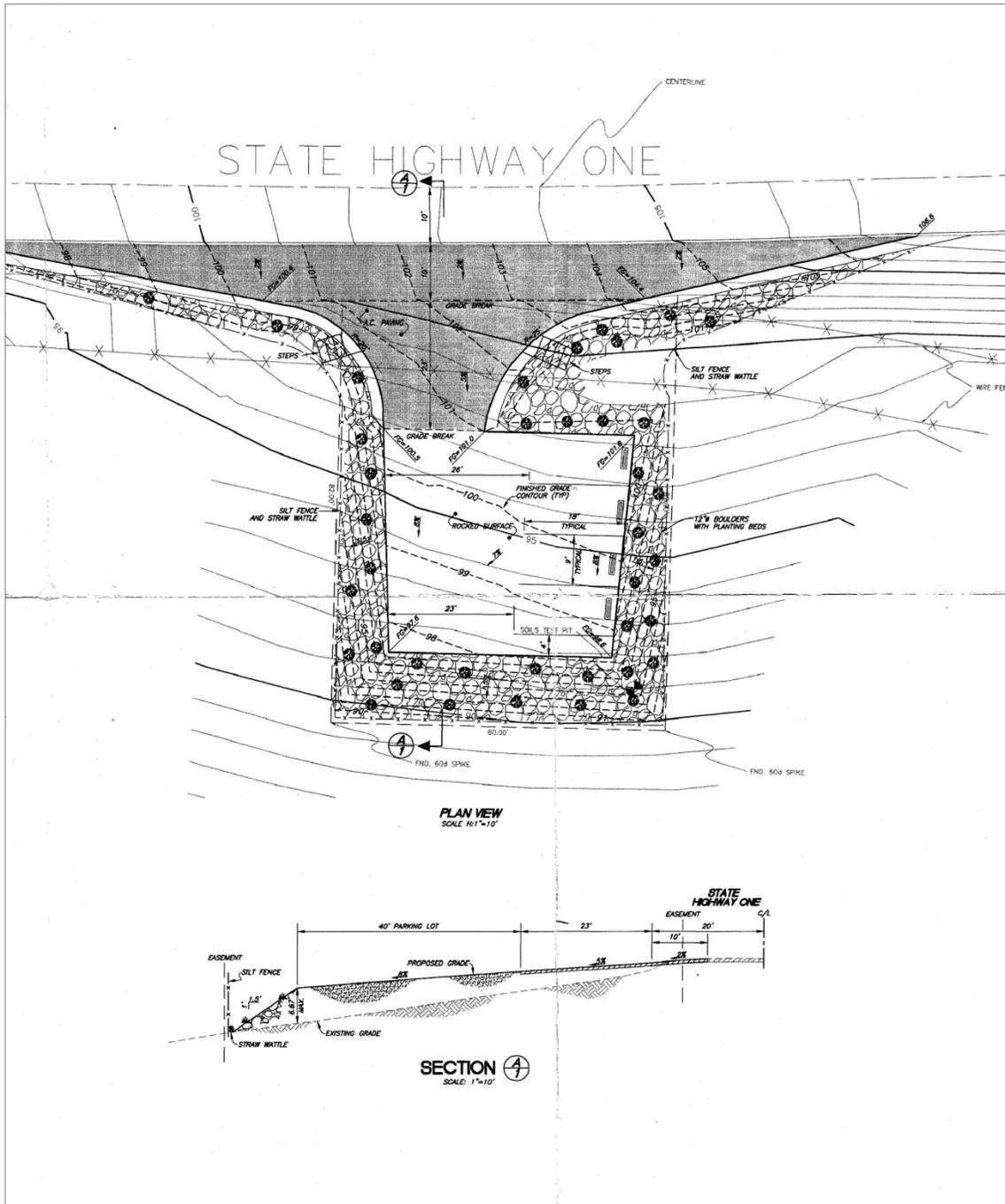
Sheet 7 of 8

CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
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ADDRESS: None Assigned, WE

NO SCALE

PLATFORM ELEVATIONS

Exhibit 4: Mitigated Negative Declaration



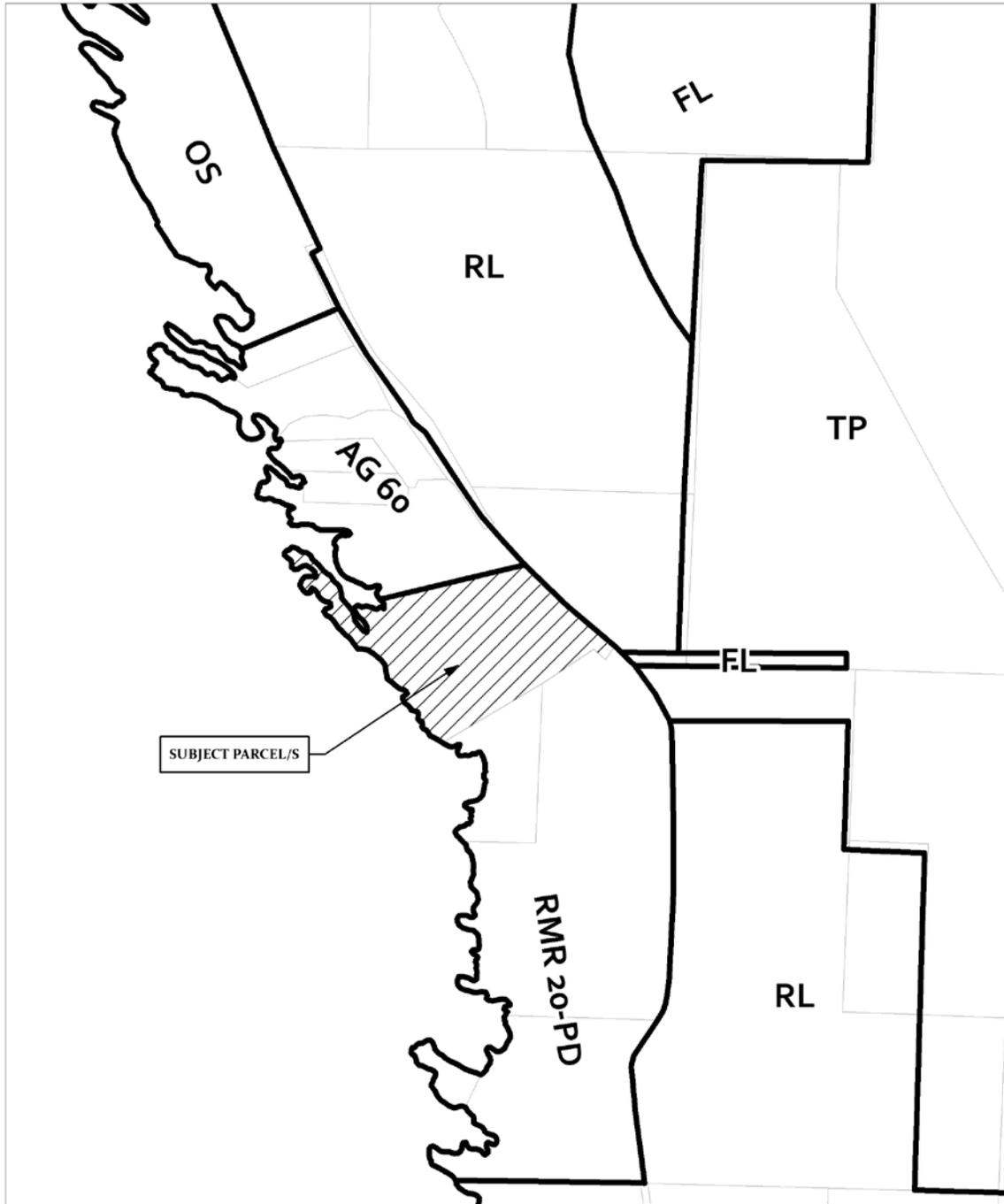
CASE: CDP 2014-0039  
 OWNER: Jackson Grube Family, Inc.  
 APN: 015-380-02  
 APLCT: Mendocino Land Trust  
 ADDRESS: None Assigned, WE

NO SCALE

GRADING PLAN

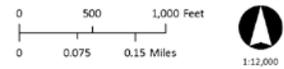
Map produced by the Mendocino County Planning & Building Services, February, 2016  
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Exhibit 4: Mitigated Negative Declaration



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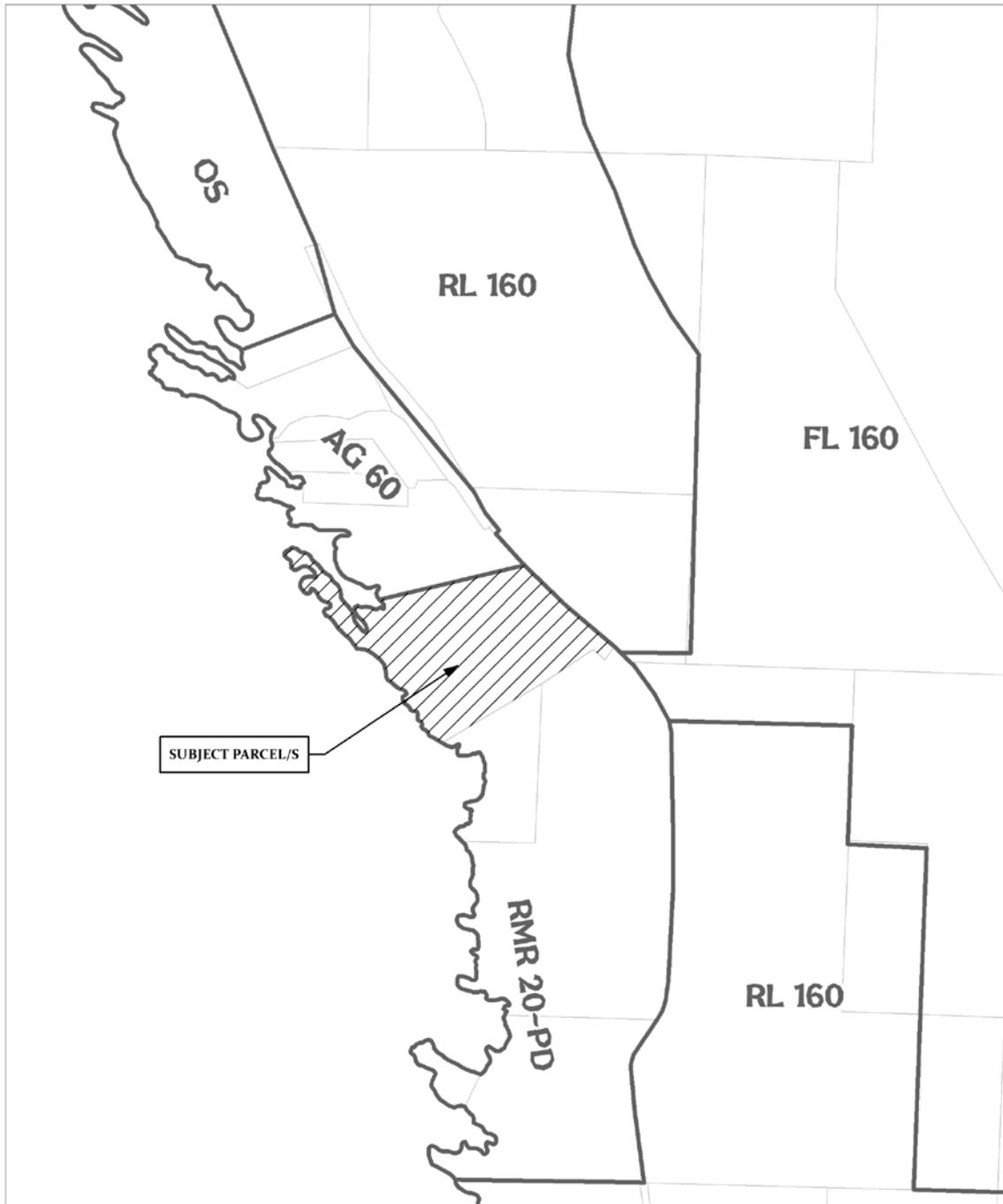
 Zoning Master



ZONING DISPLAY MAP

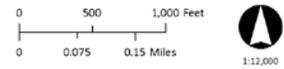
Map produced by the Mendocino County Planning & Building Services, December, 2015  
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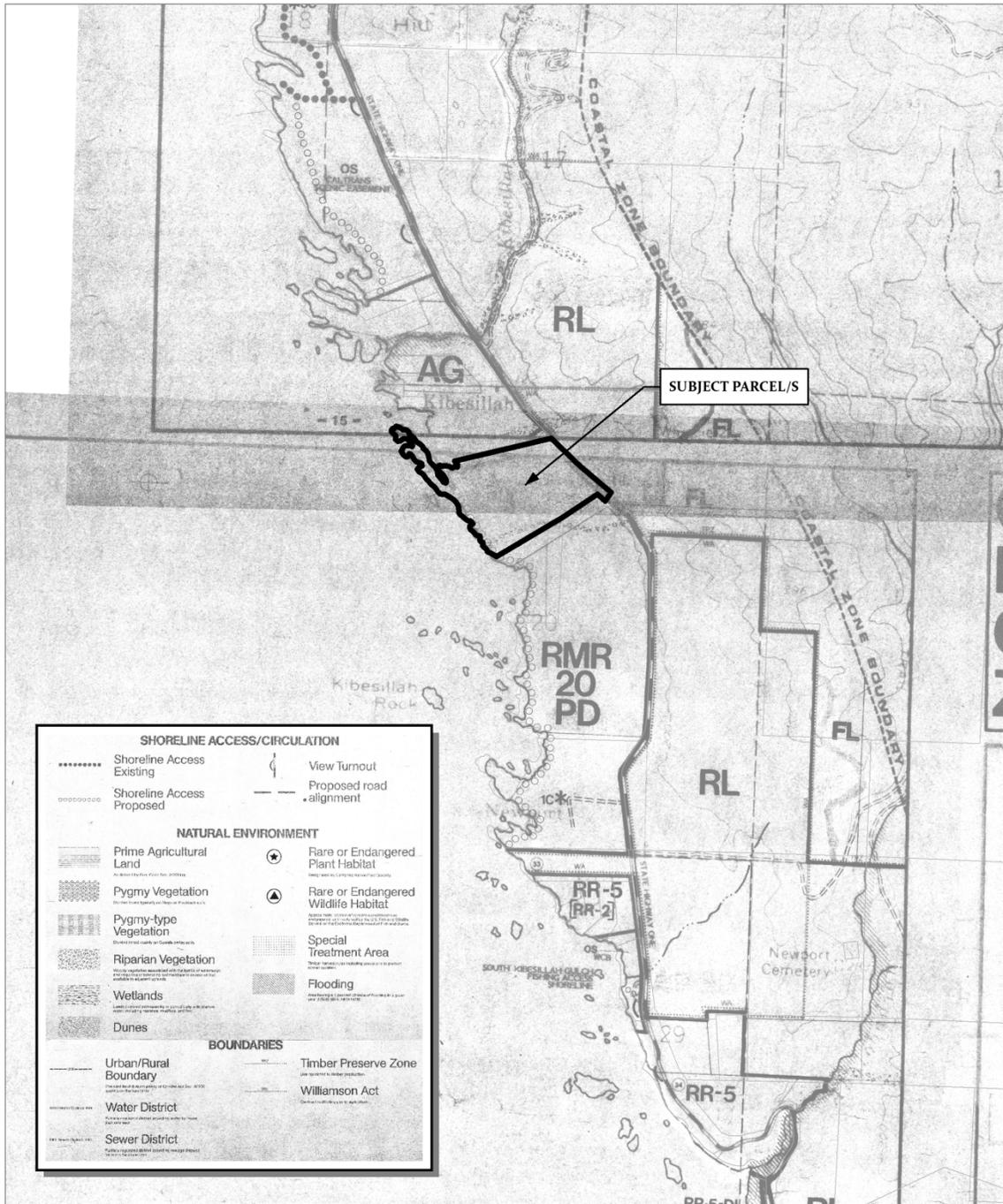
 General Plan Master



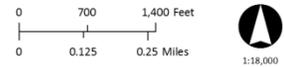
GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, December, 2015  
All spatial data is approximate. Map provided without warranty of any kind.

# Exhibit 4: Mitigated Negative Declaration



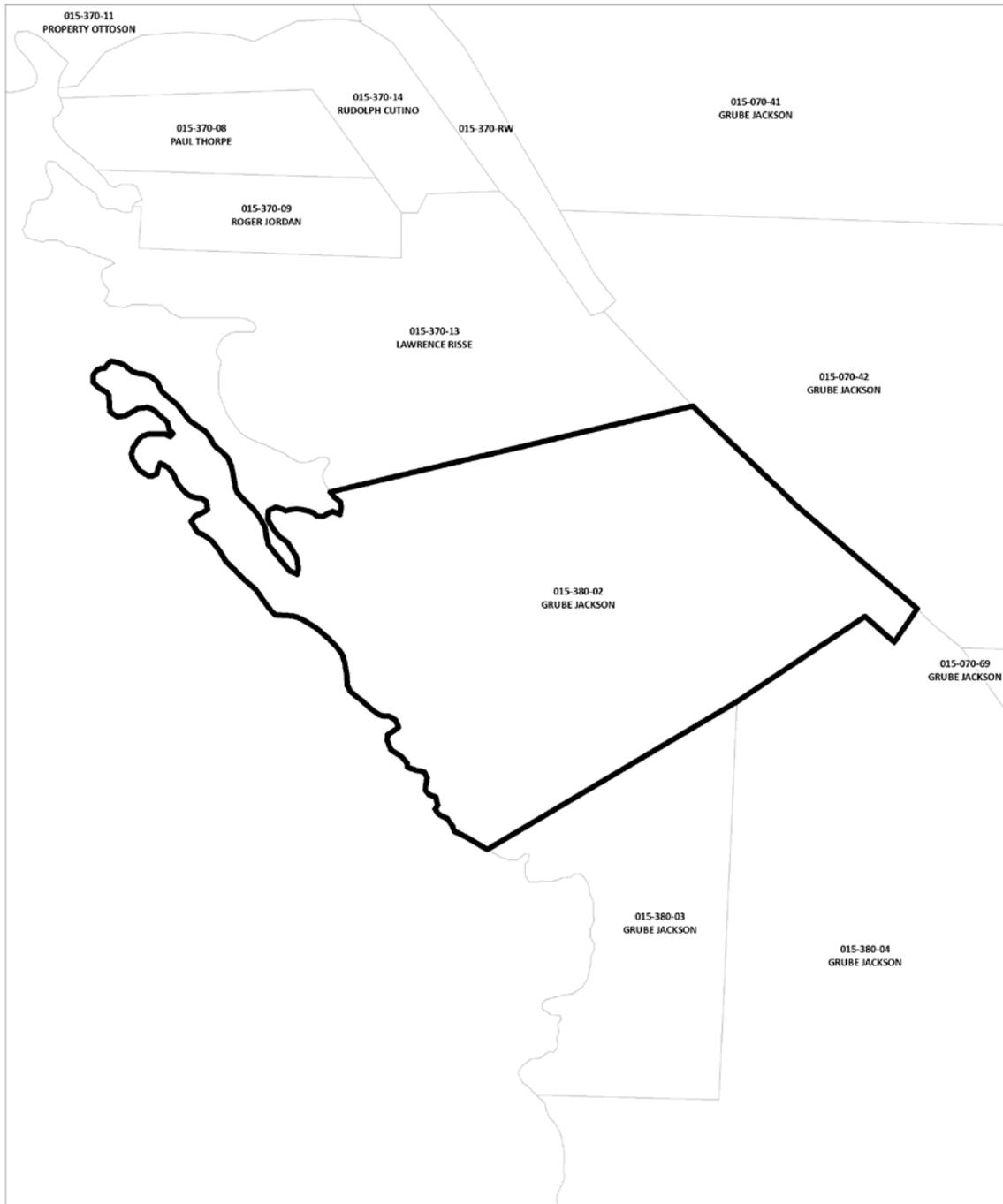
CASE: CDP 2014-0039  
 OWNER: Jackson Grube Family, Inc.  
 APN: 015-380-02  
 APLCT: Mendocino Land Trust  
 ADDRESS: None Assigned, WE



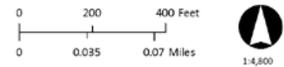
LCP MAPS 8 (WESTPORT) & 10 (NEWPORT)

Map produced by the Mendocino County Planning & Building Services, December, 2015  
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# Exhibit 4: Mitigated Negative Declaration



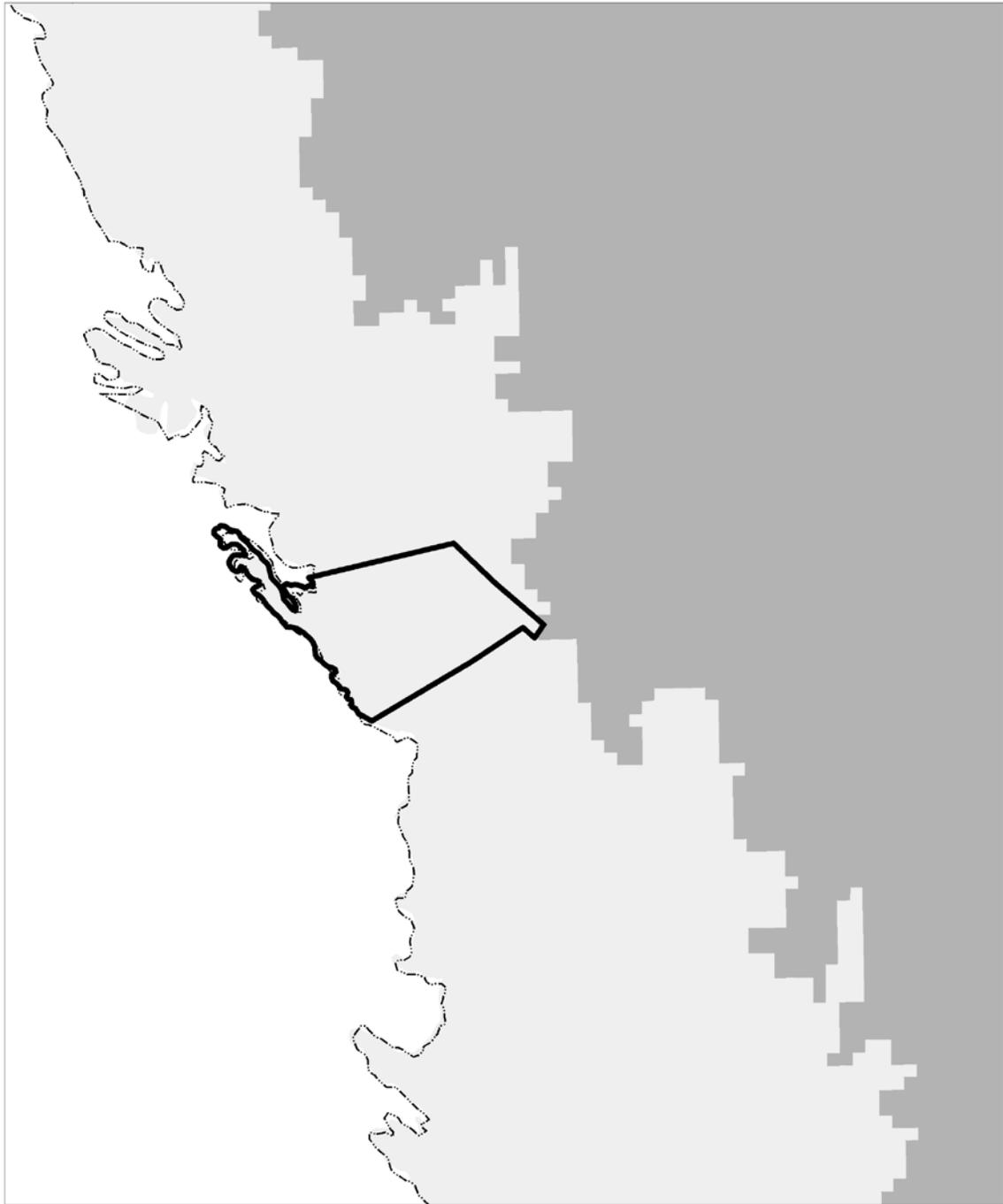
CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE



ADJACENT PARCELS

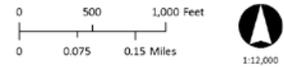
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Exhibit 4: Mitigated Negative Declaration



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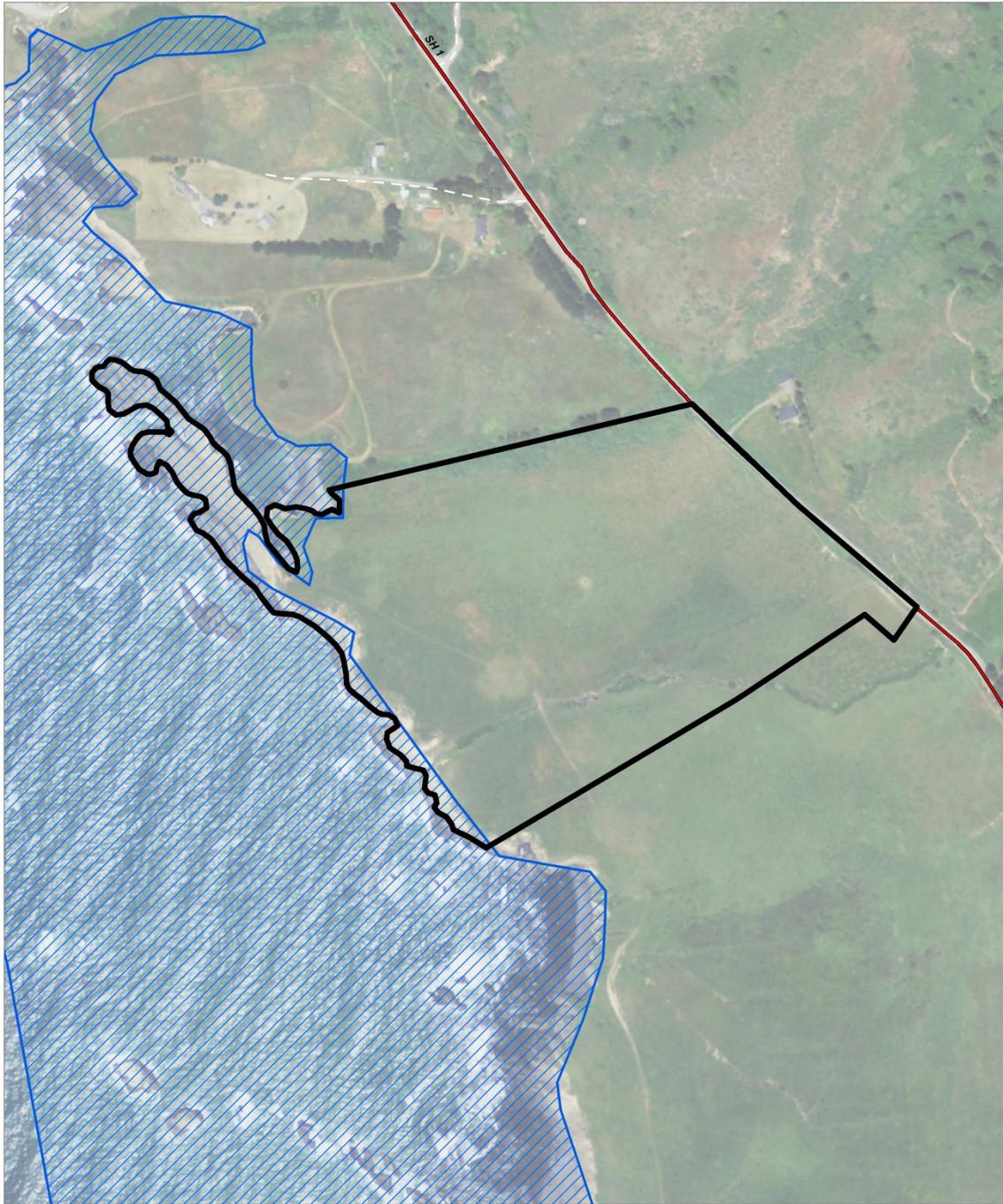
High Fire Hazard  
Moderate Fire Hazard



FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, December, 2015  
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Exhibit 4: Mitigated Negative Declaration



**CASE: CDP 2014-0039**  
**OWNER: Jackson Grube Family, Inc.**  
**APN: 015-380-02**  
**APLCT: Mendocino Land Trust**  
**ADDRESS: None Assigned, WE**

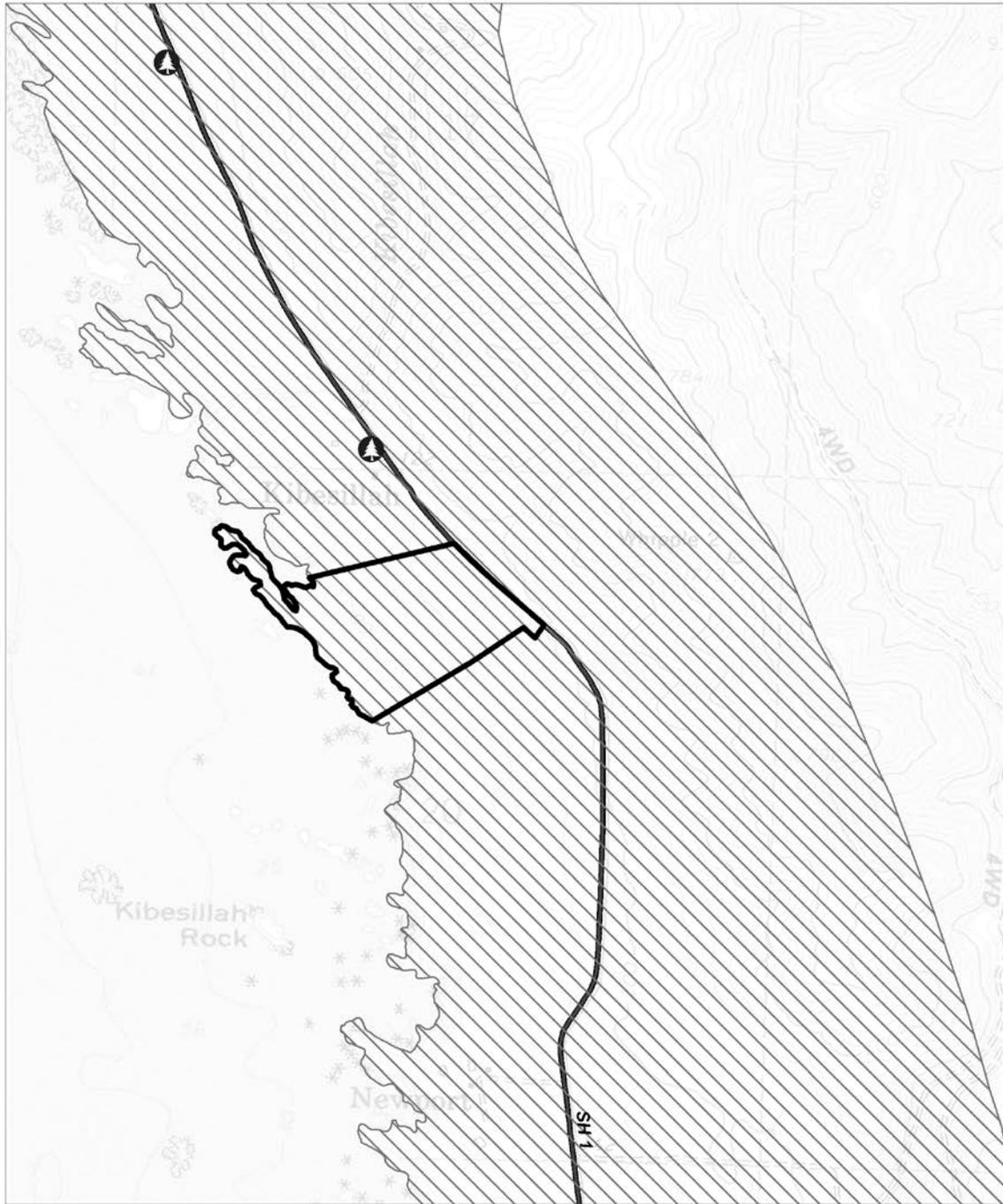
 Flood Zone  
 Public Roads  
 Driveways/Unnamed Roads

0 200 400 Feet  
0 0.035 0.07 Miles  
1:4,800

**FEMA FLOOD ZONE**  
NFIP MAPS, JUNE 21st, 2011

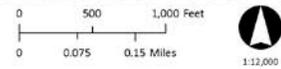
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Exhibit 4: Mitigated Negative Declaration



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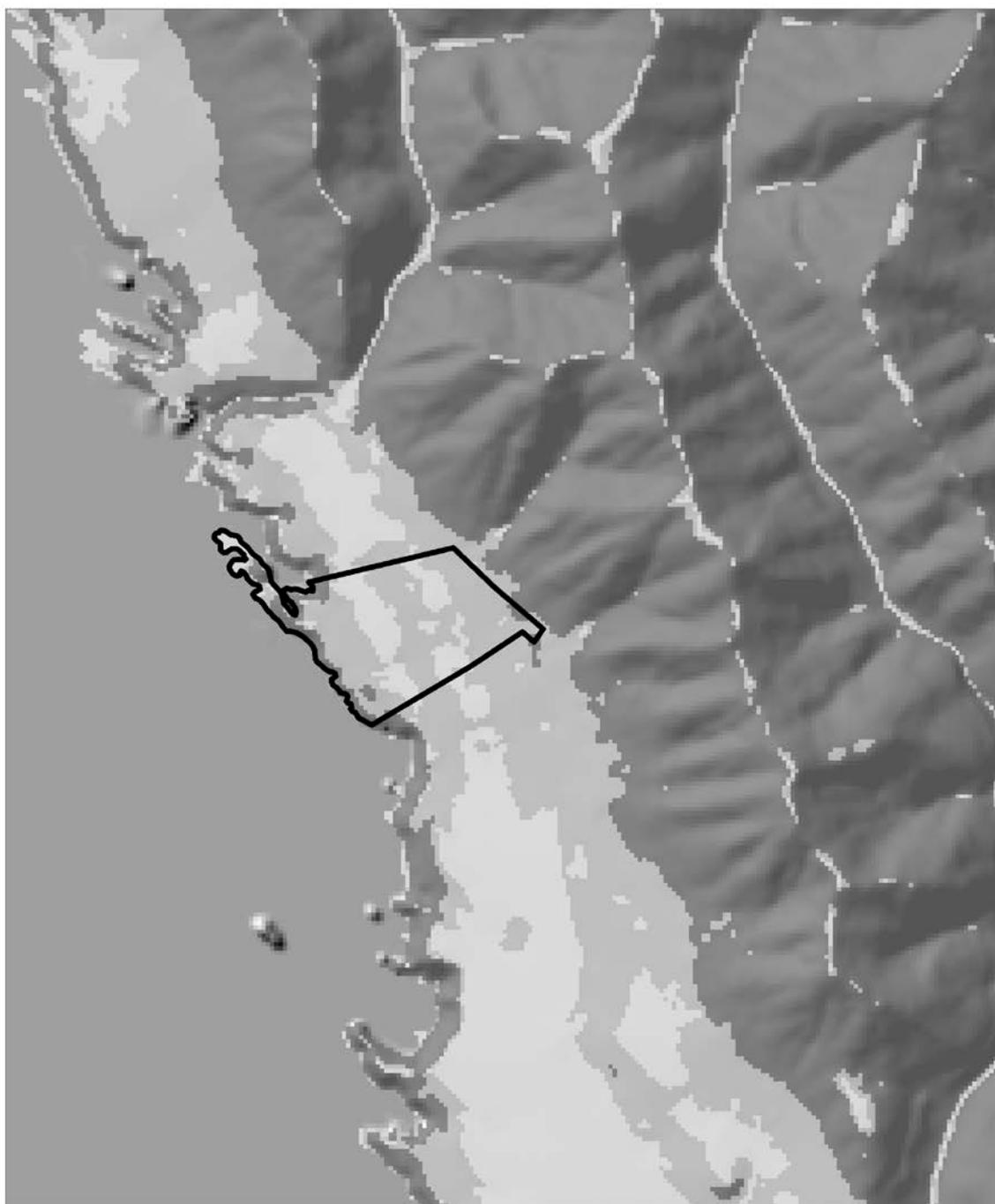
-  Highly Scenic Area
-  Highways
-  Tree Removal Locations



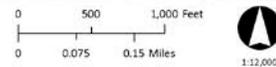
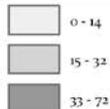
HIGHLY SCENIC & TREE REMOVAL ZONES

Map produced by the Mendocino County Planning & Building Services, December, 2015  
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Exhibit 4: Mitigated Negative Declaration



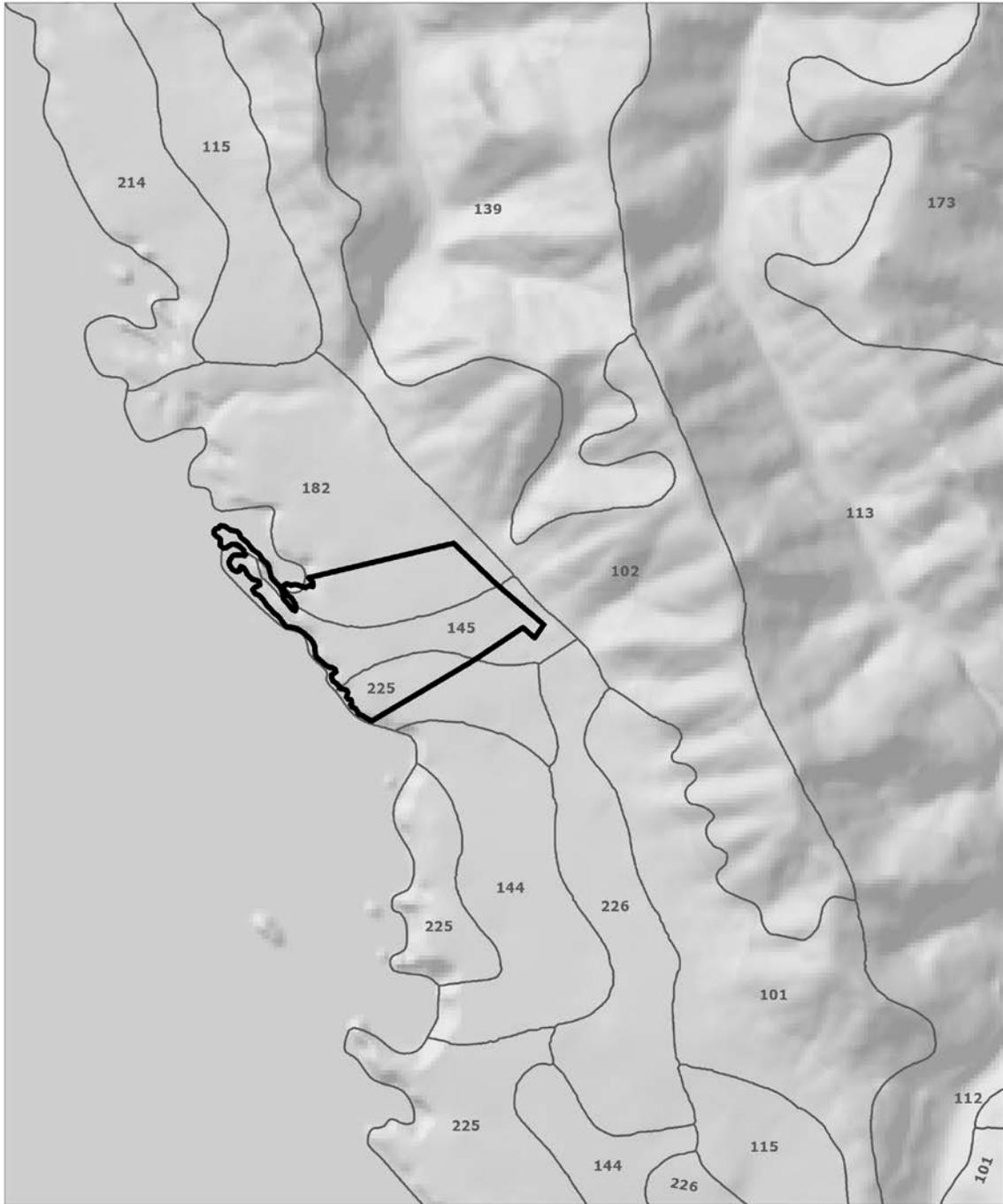
CASE: CDP 2014-0039  
OWNER: Jackson Grube Family, Inc.  
APN: 015-380-02  
APLT: Mendocino Land Trust  
ADDRESS: None Assigned, WE



ESTIMATED SLOPE

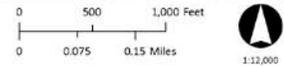
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Exhibit 4: Mitigated Negative Declaration



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APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

 Western Soils



LOCAL SOILS

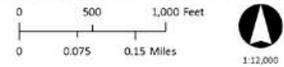
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Exhibit 4: Mitigated Negative Declaration



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APLCT: Mendocino Land Trust  
ADDRESS: None Assigned, WE

 Williamson Act 2014  
 Non-Prime Ag 2014



LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, December, 2015  
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Exhibit 4: Mitigated Negative Declaration

**PROJECT TITLE:** CDP\_2014-0039 (MENDOCINO LAND TRUST)

**PROJECT LOCATION:** In the Coastal Zone lying on the west of Highway 1, 5+/- miles south of Westport. Located at 31502 North Highway 1, Westport; APN 015-380-02.

**LEAD AGENCY NAME, ADDRESS AND CONTACT PERSON:** Bill Kinser  
Mendocino County  
Planning and Building Services  
120 West Fir Street  
Fort Bragg, California 95437  
707-964-5379

**GENERAL PLAN DESIGNATION:** Remote Residential/Planned Unit Development (RMR-20-PD)

**ZONING DISTRICT** Remote Residential District (RMR: Twenty (20) acres)

**DESCRIPTION OF PROJECT:** The project is for a standard Coastal Development Permit for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area. The project will also include management signs and fencing to separate cattle from hikers on the trail.

**SITE DESCRIPTION AND SETTING:** The subject parcel is 147 acres and is located approximately 5 miles south of Westport. The site is comprised of gently sloping coastal prairie and is currently used for cattle grazing. The parcel is bordered on the east by Highway One and on the west by the Pacific Ocean. On the northern boundary of the parcel is a riparian area surrounding an ephemeral stream that drains a small gulch to the east and flows into the Pacific Ocean. To the south of the project is land used for grazing cattle.

**DETERMINATION:** The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

*Consistent (with conditions of approval)*

The Local Coastal Program sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

**General Plan Land Use – Remote Residential**

The subject parcel is classified as Remote Residential by the Coastal Element of the Mendocino County General Plan, which is intended “to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses” (Chapter 2 of the County of Mendocino Coastal Element). The principally permitted use designated for the Remote Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupation” (Chapter 2 of the County of Mendocino Coastal Element).

The parcel is currently vacant and used for cattle grazing and for the existing trail along Highway One. The current application proposes a public access trail with associated improvements. Passive recreation is a principally permitted use within the Remote Residential classification and is therefore consistent with the district.

**Hazards**

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas fault is located offshore in this area, over eight (8) miles to the west of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

## Exhibit 4: Mitigated Negative Declaration

**Landslides:** The subject property is located west of the highway and slopes gently toward the bluff edge. There are no translational/rotational or debris slides mapped on the subject parcel. The property is primarily located in an area of Pleistocene marine terrace deposits with areas of coastal belt Franciscan exposed along the shoreline.

**Erosion:** The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. The existing contours in the parking area will be altered by the addition of approximately 400 cubic yards of fill. Major grading operations will only be conducted between April 15 to October 31 and all normal best management practices for site work will be followed. The area to be disturbed by construction of the parking area is approximately 0.16 acres (6,970 square feet). Prior to vegetation or topsoil removal, the proposed limits of land disturbance will be clearly marked to ensure only the required land is cleared. The parking lot design and construction will minimize site disturbance by leaving topsoil in place and reinforcing the base of the proposed fill with layers of geotextile fabric. The parking area consists of permeable gravel with only the entry apron connecting the parking area to Highway One being a paved impermeable surface. **Condition 14** is recommended to protect the site from stormwater runoff during construction.

### **Condition 14:**

- a. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
- b. No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.
- c. Disturbed areas will be mulched with at least 2 to 4 inches of certified weed-free straw mulch and covered with an appropriate seed mix where necessary before replanting.
- d. All temporary fill, synthetic mats and silt fences will be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics will be used, where possible.
- e. Material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
- f. The following BMPs shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into coastal waters during the transportation and storage of excavated contaminated materials:
  - EC-2 Preservation of Existing Vegetation
  - EC-6 Straw Mulch
  - EC-7 Geotextile and Mats
  - WM-9 Sanitary/Septic Waste Management

**Flooding:** The project is not for residential development and further is located outside the mapped 100-year flood hazard area of the parcel, and therefore will not impede or redirect flood flows, and will not expose people or structures to a significant risk involving flooding, including flooding as a result of the failure of a levee or dam. The FEMA Flood Zone map identifies a narrow strip of flood zone adjacent to the shoreline along the parcel's west and northwest boundary.

**Fire:** The project is located in an area that has a moderate fire hazard severity rating as shown on the Fire Hazard Zones and Responsibility Areas map. The project application was referred California Department of Forestry and Fire Protection (CalFire) for comment. CalFire had no comments for the proposed project. Staff believes the proposed project has a minimal potential to expose people and facilities to unnecessary fire hazard.

### **Visual Resources**

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by MCC Chapter 20.504. Coastal Element Policy 3.5-1 provides general guidelines for all development in the coastal zone, requiring that:

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*The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.*

The project is located in an area that is designated Highly Scenic by the Local Coastal Program (see Highly Scenic and Tree Removal Zones map). Therefore, the project is subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent development criteria include protection of public coastal views, siting of structures on the parcel, and location of access roads in areas where they cause minimal visual impact.

The observation platform is approximately 1,200 feet from Highway One. It will be constructed of redwood and have maximum height of 5'8" and will provide a viewing area for pedestrians while minimally impacting views of the coast from passing traffic on Highway One. The parking area will be slightly lower (one to three feet) than adjacent elevations on Highway One, but parked vehicles will be visible from passing traffic on Highway One. The parking area will be surfaced with rock and landscaped along the north south and west boundaries and would minimally obstruct views from Highway One when in use. During construction, there will be a minor, short term adverse impact, while the parking area is constructed. The trail connecting the parking area to the viewing platform would not affect coastal views as only cattle-type fencing would be used to delineate the trail. No exterior lighting is proposed as part of this application. Depictions of the proposed parking area viewed from Highway One and of the proposed observation platform (Attachment 3) illustrate that the effect of the parking area and viewing platform on coastal views.

The proposed project is consistent with the criteria for development in a highly scenic area.

### **Natural Resources**

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan (Chapter 3.1) addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

*A Botanical Survey of the Newport Trail (Phase II) Mendocino County, California* (Hulse-Stephens and Heise, 2014) was prepared for this project. The purpose of the study was to determine if rare or endangered plants or plant communities occur within the boundaries of the project, and if so, to recommend alternative strategies to avoid them (Hulse-Stephens and Heise, 2014). The study evaluated three areas: the parking area adjacent to Highway One, the trail that would connect the existing trail to the coastal bluff observation platform, and the proposed area for the observation platform.

The project area was surveyed over three days in 2014: April 16, May 19, and June 19. The vegetation within the project area consists of riparian and grassland vegetation. ***Salix sitchensis* Provisional Shrubland Alliance Sitka Willow Thickets** dominates the riparian community on the northern edge of the study area. This alliance consists of a plant community where Sitka willow is dominant as a tall shrub or low tree canopy and Native blackberry (*Rubus ursinus*) and non-native Himalayan blackberry (*Rubus armeniacus*) occur commonly in the understory (Hulse-Stephens and Heise, 2014). The grasslands are comprised of a mélange of ruderal plants that most closely fit the **California annual grassland series**. The grassland contains relic stands of native purple needlegrass (*Stipa pulchra*) and California oatgrass (*Danthonia californica*) and a wide variety of non-native grasses (Hulse-Stephens and Heise, 2014).

A total of 91 vascular plant taxa were found during the survey period within the study area. Of the vascular plants, 54 (59 percent) were exotic species. No rare taxa were found (Hulse-Stephens and Heise, 2014). Four of the exotic species are classified by the California Department of Food and Agriculture as A-rated noxious weeds. Observation of invasive behavior on the North Coast and on the site particularly would indicate that cape ivy, Italian thistle, and blessed milk thistle present the greatest management challenges.

## Exhibit 4: Mitigated Negative Declaration

Sensitive plant communities within the study area are the isolated patches of *Nasella pulchra* herbaceous alliance (purple needlegrass grassland) and California oatgrass (*Danthonia californica*). To be determined a purple needlegrass grassland, relative cover in the herbaceous canopy must be greater than 10 percent. Purple needlegrass comprised 10 to 15 percent relative cover in approximately 10 percent of the parking area and in another small stand approximately three (3) meters by three (3) meters north of the vertical easement. In order to be determined as a California oat grass prairie, relative cover in the herbaceous canopy must be greater than 50 percent. No areas were observed in the project area where California oatgrass stand exceeded 25 percent (Hulse-Stephens and Heise, 2014). Additionally, the ten-foot pedestrian easement is located within 100 feet of the riparian area located along the north property boundary.

No impacts to the riparian area will occur from trail construction; however, the quality of the riparian area and surrounding grassland (between the riparian area and the fenced trail) will likely be affected by the change in management from grazed to non-grazed pasture. The application notes that easement areas will be managed to remove invasive weeds as part of restoration efforts. Management of invasive species within the riparian area and in the area between the riparian area and the fenced trail would require a private agreement between the landowner and Mendocino Land Trust.

The purple needlegrass comprising 10 to 15 percent of the cover in approximately 10 percent of the parking area would likely be impacted by parking area development. The second and smaller patch of purple needlegrass is located outside the trail easement and should not be impacted by development of the trail.

Although Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet, a reduced buffer analysis is impracticable for this project since the project is located on easements that were required as a condition of approval by the California Coastal Commission for Coastal Development Permit No. A-1-MEN-07-028 (CDP 67-2008) and the easements are being used for the specific purpose identified in the approved easements. The California Department of Fish and Wildlife has reviewed the project and all of their recommendations are included in the conditions of approval.

Due to the location of the easement for the parking area, observation platform and trail, the project cannot be moved to alternative locations on the parcel and the applicant has located the improvements in the only possible locations. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. The trail will be located approximately 85 to 95 feet from the riparian area and impacts from foot traffic on the trail will be similar, if not less, than the current impacts from cattle grazing. All feasible mitigation measures recommended in the Botanical Survey (Hulse-Stephens and Heise, 2014) and by the California Department of Fish and Wildlife are required as mitigation measures and conditions of approval. Condition 9 is recommended to ensure that the identified resources will not be significantly degraded by the proposed development, recognizing that there is no feasible less damaging alternative and that all feasible mitigation measures capable of reducing or eliminating project impacts would be implemented.

**Condition 9:** In order to provide for the protection of Natural Resources, the following measures shall be completed by the applicant.

- a. If possible, impacts to, or removal of *Nasella pulchra* herbaceous alliance should be avoided. If it is not possible to avoid impacts to, or removal of, *Nasella pulchra* herbaceous alliance, mitigation shall be required. Mitigation shall occur onsite, or as near to the project site as is practicable, to an area where they can enhance degraded coastal prairie. Where plants cannot be avoided they shall be replaced at a rate of 2:1. To accomplish 2:1 replacement, seeds should be collected on the site as well. If an adequate number of seeds can be collected (approximately six times the number of plants that will be moved) seeds can be planted on the chosen area onsite. If seed is available only in small amounts (approximately three times the number of plants that would be moved) they should be grown out under nursery conditions and planted as plugs on a reserve where they can be maintained and protected. If seed collection is not possible due to timing or availability of seed, purple needlegrass seed may be obtained from authorized sources.
- b. If mitigation is necessary, a monitoring plan and performance criteria shall be developed by a qualified biologist prior to issuance of building permits for the project. The plan and criteria shall be followed to

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ensure success of mitigation planting. The mitigation area shall be effectively protected from future impacts, using measures appropriate to the site.

- c. Remaining areas of *Nasella pulchra* herbaceous alliance should be protected from future impacts to the extent practicable
- d. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
- e. All ground disturbance activities associated with construction of the vertical trail shall maintain a greater than 50-foot buffer from the riparian area on the northern boundary of the property
- f. All areas within the Mendocino Land Trust easement shall be managed to remove invasive weeds, particularly cape ivy, Italian thistle and blessed milk thistle.

➤ **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

*Consistent (with conditions of approval)*

Utilities: No utilities are proposed as part of this project.

Access Roads: The project will provide access directly from Highway One. The proposed public access trail was referred to the California Department of Transportation (Caltrans) for comment; however, no response was received. Staff notes that the applicant has stated that there has been discussion with Caltrans regarding the proposed encroachment from the beginning of the project. A grading plan for the parking area has been prepared for the project. Prior to commencement of work, the applicant shall obtain an encroachment permit from Caltrans, as required by **Condition 13**.

**Condition 13:** The applicant shall secure an encroachment permit from California Department of Transportation prior to the issuance of building permits for the project.

Drainage: Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion. A Preliminary Grading Plan for the parking area is included in the application (Butler Engineering, 2014). The proposed project is designed to minimize to the maximum extent feasible the alteration of natural landforms. The existing contours in the parking area will be altered by the addition of approximately 400 cubic yards of fill. Major grading operations will only be conducted between April 15 to October 16 and all normal best management practices for site work will be followed. The area to be disturbed by construction of the parking area is approximately 0.16 acres (6,970 square feet). Prior to vegetation or topsoil removal, the proposed limits of land disturbance will be clearly marked to ensure only the required land is cleared. The parking lot design and construction will minimize site disturbance by leaving topsoil in place and reinforcing the base of the proposed fill with layers of geotextile fabric. The parking area consists of permeable gravel with only the entry apron connecting the parking area to Highway One being a paved impermeable surface. **Condition 12** is recommended to ensure that the site is developed in accordance with the Preliminary Grading Plan (Butler Engineering, 2014) and Mendocino County requirements.

**Condition 12:** The following measures shall be complied with during construction of the parking area. If deviation from these measures or the Preliminary Grading Plan is required, such deviation shall only be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer.

- a. No construction shall commence without prior approval of the County of Mendocino's Supervising Engineer and California Department of Transportation.
- b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
- c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.

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- d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
- e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
- f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
- g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
- h. Site work can only proceed and must be completed during the dry season, April 15 to October 16.
- i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of Mendocino Land Trust easements that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. Existing patches of purple needlegrass (*Stipa pulchra*) within the construction area shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.
- j. Contractor shall provide a final grading plan and erosion control plan prior issuance of the building permit for the parking area and install and maintain erosion control measures shown on the plan, prior to grading operations.

➤ **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

*Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Remote Residential as shown on the Zoning Display Map. The intent of the Remote Residential zoning district is “to be applied to lands within the Coastal Zone which have constraints for commercial agriculture, timber production or grazing, but which are well-suited for small scale farming, light agriculture and low density residential uses, or where land has already been divided and substantial development has occurred” (MCC Section 20.380.005). The property is currently vacant with a public access trail proposed. The passive recreational use of the parcel is consistent with the intent of the Remote Residential zoning district.

Use: The subject parcel is zoned Remote Residential as shown on the Zoning Display Map. The applicant proposes the construction of a public access trail with associated improvements. The proposed use is classified as passive recreation in Mendocino County Code. Passive recreation is a principally permitted use within the Remote Residential zoning district.

Density: The maximum dwelling density in the Remote Residential zoning district is one single family dwelling per forty (40) acres except as provided pursuant to Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach), and Section 20.460.040 (Family Care Unit) (MCC Section 20.380.025 (A)). The existing and proposed development does not conflict with the dwelling density standards of the Remote Residential zoning district.

Yards: The minimum required front, side, and rear yards in the Remote Residential zoning district for a parcel of this size are fifty (50) feet from all property boundaries (MCC Section 20.380.030 and MCC Section 20.380.035). The proposed public access trail with associated improvements is consistent with the yard setback requirements of the Remote Residential zoning district.

Height: The maximum permitted building height for structures in the Remote Residential zoning district and Highly Scenic Area is eighteen (18) feet (MCC Section 20.380.045). The proposed project consists of a public access trail with associated improvements. The maximum height of proposed improvements is less than ten (10) feet;

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therefore, the proposed project is consistent with the permitted maximum height in the Remote Residential zoning district.

Lot Coverage: The maximum permitted lot coverage in the Remote Residential zoning district is ten (10) percent for a parcel of this size (MCC Section 20.380.050). The parcel is approximately 6,403,320 square feet, allowing for a maximum permitted lot coverage of approximately 640,332 square feet. The proposed project consists of a public access trail with associated improvements; the trail will be approximately ten feet in width and 1,200 feet in length. The combined lot coverage of the parking area and viewing platform will be less than 10,000 square feet. The proposed development is consistent with the lot coverage requirements of the Remote Residential zoning district.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

*Consistent (without conditions of approval)*

A draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to CEQA Guidelines Section 15063. The draft environmental document is attached. All application materials are available for review at the Fort Bragg office of the Department of Planning and Building Services.

With the implementation of mitigation measures recommended in the Proposed Mitigated Negative Declaration, the proposed development will not have any significant adverse impacts on the environment within the meaning of CEQA.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

*Consistent (with conditions of approval)*

The applicant submitted an *Archaeological Survey of the Kibesillah Vertical Trail and Parking near Westport Mendocino County, California* (Van Bueren, 2014) for the proposed project. Sites were identified within the project area. The Survey was reviewed at the January 14, 2015 Mendocino County Archaeological Commission Hearing. The Archaeological Survey was accepted by the Commission; **Condition 15** is recommended to protect the archaeological resources and **Condition 16** provides for protection of archaeological resources from future development outside the mapped limits of the project area.

**Condition 15:** To ensure avoidance of impacts to prehistoric resources, all construction activities, construction vehicle access, and staging shall avoid entry within the mapped boundary of the site. Permanent fencing shall be placed around the identified sensitive area that is sufficient to protect the sensitive area from disturbance from cattle as well as deter trespassing. A sign is recommended near the site that will deter visitors from trespassing onto surrounding private lands and stresses the need to avoid impacts to sensitive environmental resources.

**Condition 16:** In the event that an archaeological resource is encountered during future development of the project outside of the mapped limits of the two discovered archaeological resources, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the new discovery; 2) notify the Director of Planning and Building Services Department within 24 hours of the discovery; and, 3) retain a professional archaeologist to evaluate the find and negotiate a suitable course of action in consultation with the easement owner, Planning director, and any other parties of interest (e.g., Native Americans).

The applicant is also advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

**Condition 8:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended conditions of approval, the project is found consistent with protection of paleontological and archaeological resources.

➤ **20.532.095(A)(6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.**

*Consistent (with conditions of approval)*

Solid Waste: The proposed project does not include any residential development that will require solid waste service; however, the proposed project is to provide a public access trail and it is anticipated that public use of the trail will generate some amount of solid waste. An Accessway Management Plan is required to be completed by the applicant under **Condition 11** and shall include information on the maintenance and operation of the site.

**Condition 11:** An Accessway Management Plan shall be provided to Mendocino County and accepted by the Director prior to the issuance of any building permits for the project which shall include, at a minimum, the following:

- a. Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
- b. Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
- c. Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
- d. Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible, if any. Additionally, Mendocino Department of Transportation and Caltrans did not state concerns relating to roadway capacity. The existing roadways and proposed access are adequate to serve the proposed development.

➤ **20.532.095(B)(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

*Consistent (with conditions of approval)*

Coastal access is regulated under MCC Section 20.528, which provides minimum access standards, methods for securing access and policies related to management of public access trails. As a condition of permit approval for California Coastal Commission Coastal Development Permit No. A-1-MEN-07-028 (CDP 67-2008) the landowners of the parcels subject to the Permit were required to dedicate the following (Mendocino County Records 2011-11078):

- A) an approximately 1,000-foot-long 10-foot-wide lateral public access easement adjacent to the Highway One Right-of-Way extending from the southern boundary of the parcel to the northern boundary; and
- B) An approximately 1,200 foot-long 10-foot wide vertical public access easement extending across APN 015-380-02 parallel to and 50 feet south of the riparian area extending along the northern boundary of the parcel from the lateral public access easement referred to in part A above to the bluff; and
- C) An easement for a public access parking area sufficient for five automobiles that includes a 60-foot-long by 40-foot-wide parking area located seaward of the offered lateral public access easement referred to in Part A above with a driveway connection to Highway One and located approximately 375 feet south of the northern property line of APN 015-380-02; and
- D) A 25-foot wide by 25-foot-long easement for a public viewing area and platform located at the seaward end of the vertical public access easement.

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The lateral access was approved as part of a previous application and is not part of this request. MCC Section 20.528.015(A) provides the minimum access standards for all access easements to be offered for public use is twenty-five (25) feet with the following exceptions. (1) Where the passageway would adversely impact identified habitat values; (2) Where it would encroach within twenty (20) feet or less of an existing residence; (3) Where there are identified hazardous topographic conditions; and (4) Along Highway 1 where accessway(s) will be fifteen (15) feet wide pursuant to Section 20.528.010. The proposed vertical access is ten (10) feet wide in order to protect the habitat values of the riparian area located to the north of the vertical easement. In order for the proposed project to be consistent with the requirements in Mendocino County Code, **Condition 11** is recommended requiring the applicant to provide an Accessway Management Plan, prior to the issuance of the building permits on the parcel.

The proposed project would open a public access trail on parcels designated for such a use under the Local Coastal Plan maps and is therefore consistent with the public access goals of Chapter 3 of the California Coastal Act and Mendocino County Coastal Element of the General Plan.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
<b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion of Findings**

- **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

*Consistent (with conditions of approval)*

A *Botanical Survey of the Newport Trail (Phase II) Mendocino County, California* (Hulse-Stephens and Heise, 2014) was prepared for this project. The purpose of the study was to determine if rare or endangered plants or plant communities occur within the boundaries of the project, and if so, to recommend alternative strategies to avoid them (Hulse-Stephens and Heise, 2014). The study evaluated three areas: the parking area adjacent to Highway One, the trail that would connect the existing trail to the coastal bluff observation platform, and the proposed area for the observation platform.

Although Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet, a reduced buffer analysis is impracticable for this project since the project is located on easements that were required as a condition of approval by the California Coastal Commission for Coastal Development Permit No. A-1-MEN-07-028 (CDP 67-2008) and the easements are being used for the specific purpose identified in the approved easements. The California Department of Fish and Wildlife has reviewed the project and all of their recommendations are included in the conditions of approval.

Due to the location of the easement for the parking area, observation platform and trail, the project cannot be moved to alternative locations on the parcel and the applicant has located the improvements in the only possible locations. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. The trail will be located approximately 85 to 95 feet from the riparian area and impacts from foot traffic on the trail will be similar, if not less, than the current impacts from cattle grazing. All feasible mitigation measures recommended in the Botanical Survey (Hulse-

## Exhibit 4: Mitigated Negative Declaration

Stephens and Heise, 2014) and by the California Department of Fish and Wildlife are required as mitigation measures and conditions of approval. **Condition 9** is recommended to ensure that the identified resources will not be significantly degraded by the proposed development, recognizing that there is no feasible less damaging alternative and that all feasible mitigation measures capable of reducing or eliminating project impacts would be implemented.

### References:

Thad M. Van Bueren, November 1, 2014. Archaeological Survey of the Kibesillah Vertical Trail and Parking near Westport Mendocino County, California. Prepared for: Louisa Morris, Trails and Conservation Program Manager, Mendocino Land Trust, P.O. Box 1094, Mendocino, CA 95460.

Geri Hulse-Stephens and Kerry Heise, September 15, 2014. Botanical Survey of the Newport Trail (Phase II) Mendocino, County, California. Submitted to: Mendocino Land Trust, 330 N Franklin St, Fort Bragg, CA 95437.

Michael Butler, C.E., September 5, 2014. Preliminary Grading Plan Newport Coastal Trail – Phase 2, Mendocino Coast, California.

Mendocino County Records Document No. 2011-11078. Jackson-Grube Family (Grantor), May 31, 2011. IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS for APNs: 015-380-02 (and 015-070-42). (Offer to Dedicate Lateral Public Access Easement Along Highway One, Vertical Public Access Easement to Bluff, Public Access Viewing Area Easement, and Public Access Parking Easement).

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

**DATE: February 4, 2016**

**CASE #: CDP\_2014-0039**

**DATED FILED: February 4, 2016**

**OWNER/APPLICANT: Jackson-Grube Family/Mendocino Land Trust**

**REQUEST:** The project is for a standard Coastal Development Permit for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area. The project will also include management signs and fencing to separate cattle from hikers on the trail.

**LOCATION:** Located in the Coastal Zone, on the west side of Highway One approximately 5 miles south of Westport at 31502 North Highway One (APN: 015-380-02).

**PROJECT COORDINATOR:** Bill Kinser

**PROJECT DESCRIPTION:** The proposed project consists of a new 4-car parking area encompassing 6,970 square feet; an approximately two-foot wide trail, 1,200 feet in length connecting the existing Newport Coastal Trail to an observation platform area; and, construction of an approximately 256 square foot observation platform. The project also includes management signs and fencing to separate cattle from hikers. Approximately 400 cubic yards of fill will be required for construction of the parking area.

**Environmental Checklist.**

*“Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).*

*Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of “no” responses.*

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology /Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Hydrology / Water Quality
<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

Exhibit 4: Mitigated Negative Declaration

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BILL KINSER, SENIOR PLANNER

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND):**

<b><u>I. AESTHETICS.</u> Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I. Aesthetics**

**a) Have a substantial adverse effect on a scenic vista?**

Threshold of Significance: Long-term intrusion or alteration of a scenic vista that is visible to the public.

Assessment: The project will have a short-term impact that is less than significant on scenic resources visible to the public. The observation platform is approximately 1,200 feet from Highway One. It will be constructed of redwood and have maximum height of 5'8" and will provide a viewing area for pedestrians while minimally impacting views of the coast from passing traffic on Highway One. The parking area will be slightly lower (one to three feet) than adjacent elevations on Highway One, but parked vehicles will be visible from passing traffic on Highway One. The parking area will be surfaced with rock and landscaped along the north south and west boundaries and would minimally obstruct views from Highway One when in use. During construction, there will be a minor, short term adverse impact, while the parking area is constructed.

**b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?**

## Exhibit 4: Mitigated Negative Declaration

Threshold of Significance for this initial study: Permanent adverse change within a State scenic highway to scenic resources' physical, vegetative, or aesthetic elements visible to the public.

Assessment: The project will have no impact; it is not located in a state scenic highway protection corridor.

- Caltrans' online California Scenic Highway Mapping System [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways/index.htm](http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm) was consulted.
- Highway One in Mendocino County is eligible for designation as a State Scenic Highway, but Mendocino County has not applied to Caltrans for scenic highway approval.
- Project construction activities will be visible to the public from Highway One. These aesthetic impacts will be short term and minor.
- The viewing platform and vertical trail will not obstruct the public's view of any scenic vista. Views from Highway One will be minimally obstructed by vehicles in the parking area.

**c) Substantially degrade the existing visual character or quality of the site and its surroundings?**

Threshold of Significance for this initial study: Long-term alteration or degradation of the existing visible character and quality of a site and its surroundings, which is visible to the public.

Assessment: The project's short-term effects will have a less than significant adverse impact on the visible character and quality of the project site and its surroundings, which are visible to the public. (Refer to assessments in 1 a) and b) above.)

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

Threshold of Significance for this initial study: Long-term or permanent development that would create a new source of substantial light or glare.

Assessment: The project will have less than significant impact, as it will not create a new source of lighting or glare other than that from vehicles in the parking area.

<b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				
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**II. Agricultural Resources**

**a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Threshold of Significance for this initial study: Physical changes that prevent the use of prime farmland, unique farmland, or farmland of statewide importance.

Assessment: The project will have no impact. There is no prime farmland, unique farmland, or farmland of statewide importance on the property shown on the property on the Mendocino County Important Farmland 2012 map prepared by California Department of Conservation Division of Land Resources Protection. The Project Area is currently used for grazing cattle and establishment of the parking area, trail and viewing platform would reduce the cattle grazing area by approximately 0.45 acres.

**b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Threshold of Significance for this initial study: Implement land uses that are not allowed in agricultural zone districts, or on lands under Williamson Act contract.

Assessment: The project will have no impact as it is located on land zoned RMR-20. The RMR district is intended for lands which have constraints for commercial agriculture, timber production or grazing but which are suited for small scale farming, light agriculture and low density residential uses. Passive Recreation is a principal permitted use in the RMR district. The project does not conflict with existing zoning for agricultural use. The project is not located on land under a Williamson Act contract. Property to the east of the site is under Williamson Act contract but would not be affected by the project.

**c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

Threshold of Significance for this initial study: Implement land uses that are not allowed in forest land, timberland or timberland zoned Timberland Production.

Assessment: The project will have no impact as it is located on land zoned RMR-20.

**d. Result in the loss of forest land or conversion of forest land to non-forest use?**

Threshold of Significance for this initial study: Physical changes to land in forest land that preclude the continued use of the property as forest land.

Assessment: The project will have no impact as it is not forest land and the proposed changes would not preclude future use as forest land.

**e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use?**

Threshold of Significance for this initial study: Physical changes to a significant acreage of existing farmland that preclude the continued use of that property for agriculture uses and threaten agricultural viability of the parcel.

## Exhibit 4: Mitigated Negative Declaration

Assessment: The project will have less than significant impact on the continued use of property for agricultural uses. The project parking area, trail and viewing platform would reduce the cattle grazing area by approximately 0.45 acres on the 147 acre parcel.

<b>III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **III. Air Quality**

#### **a) Conflict with or obstruct implementation of the applicable air quality plan?**

Threshold of Significance for this initial study: Project generates pollutants that would prevent attainment of the North Coast Unified Air Quality Management District's (NCUAQMD) long-term air quality objectives.

Assessment: The project will have no impact on the implementation of the NCUAQMD air quality plan.

- The project's construction activities are of limited scope and duration and do not involve any stationary sources of pollutants.
- During construction the operation of vehicles and equipment as well as excavation and grading activities will generate pollutants in the short-term such as fugitive dust (particulate matter less than 10 microns [PM10]).
- While the short-term operation of vehicles and diesel powered construction equipment does release PM 10 and nitrogen oxides (NOx) pollutants, these releases are not expected to result in a substantial adverse effect as all equipment will be equipped with state approved exhaust systems, maintained in good working order.
- Fugitive dust, less than PM 10, will be generated for a limited time but will only affect a localized area during project activities. Areas of ground disturbance will be mulched and seeded with grass to minimize the generation of dust.
- Clearing of vegetation for construction will generate debris. As much of the debris as possible will be disposed of by composting onsite or offsite at an approved facility.
- While the NCUAQMD does not require a permit for excavation and grading activities, Mendocino Land Trust will coordinate with the NCUAQMD before conducting any prescriptive burning of vegetative debris.

**b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Threshold of Significance for this initial study: Release of pollutants that violate an air quality standard, or substantially contribute to an existing air quality violation.

Assessment: The project will have no impact on any air quality standard.

- While the short-term operation of vehicles and diesel powered construction equipment does release PM 10 and NO<sub>x</sub> pollutants, these releases are not expected to result in a substantial adverse effect as all equipment will be equipped with state approved exhaust systems, maintained in good working order.
- Fugitive dust, less than PM 10, will be generated for a limited time but will only affect a localized rural area during project activities. This impact will be minimized by mulching and vegetation disturbed areas.
- There are no existing air quality violations in the project area.

**c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

Threshold of Significance for this initial study: Production of pollutants by the project that would result in a cumulatively considerable net increase in pollutants for which the North Coast Air Basin's is in non-attainment.

Assessment: The project will have no impact, and will not result in a cumulative increase in any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

**d) Expose sensitive receptors to substantial pollutant concentrations?**

Threshold of Significance for this initial study: The project would result in a substantial increase of pollutants that are capable of reaching sensitive receptors.

Assessment: The project will have no impact on sensitive receptors. There are no sensitive receptors such as populated areas, health care facilities, convalescent centers, retirement homes, residences, schools, child care centers, recreational facilities in the immediate vicinity of the project. Dust and emissions from construction activities associated with the project will be short term.

**e) Create objectionable odors affecting a substantial number of people?**

Threshold of Significance for this initial study: The project would result in a substantial increase of objectionable odors that are capable of reaching substantial number of people.

Assessment: The project will have no impact on a substantial number of people as a result of increasing objectionable odors. The project will not generate objectionable odors.

<p align="center"><b><u>IV. BIOLOGICAL RESOURCES:</u></b>  <b>Would the project:</b></p>	<p align="center"><b>Potentially Significant Impact</b></p>	<p align="center"><b>Less Than Significant with Mitigation Incorporated</b></p>	<p align="center"><b>Less Than Significant Impact</b></p>	<p align="center"><b>No Impact</b></p>
<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit 4: Mitigated Negative Declaration

regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**IV. Biological Resources**

**Existing Conditions**

The certified Mendocino County LCP includes sections of both the Coastal Zoning Code (MCC) and the Coastal Element of the General Plan (Chapter 3.1) addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

A *Botanical Survey of the Newport Trail (Phase II) Mendocino County, California* (Hulse-Stephens and Heise, 2014) was prepared for this project. The purpose of the study was to determine if rare or endangered plants or plant communities occur within the boundaries of the project, and if so, to recommend alternative strategies to avoid them (Hulse-Stephens and Heise, 2014). The study evaluated three areas: the parking area adjacent to Highway One, the trail that would connect the Newport Ranch Trail to the coastal bluff observation platform, and the proposed area for the observation platform. The project area is currently used by cattle for grazing.

The project area was surveyed over three days in 2014: April 16, May 19, and June 19. The vegetation within the project area consists of riparian and grassland vegetation. ***Salix sitchensis* Provisional Shrubland Alliance** Sitka Willow Thickets dominates the riparian community on the northern edge of the study area. This alliance consists of a plant community where Sitka willow is dominant as a tall shrub or low tree canopy and Native blackberry (*Rubus ursinus*) and non-native Himalayan blackberry (*Rubus armeniacus*) occur commonly in the understory (Hulse-Stephens and Heise, 2014). The grasslands are comprised of a mélange of ruderal plants that most closely fit the **California annual grassland series**. The grassland contains relic stands of native purple needlegrass (*Stipa pulchra*) and California oatgrass (*Danthonia californica*) and a wide variety of non-native grasses (Hulse-Stephens and Heise, 2014).

A total of 91 vascular plant taxa were found during the survey period within the study area. Of the vascular plants, 54 (59 percent) were exotic species. No rare taxa were found (Hulse-Stephens and Heise, 2014). Four of the exotic species are classified by the California Department of Food and Agriculture as A-rated noxious weeds. Observation of invasive behavior on the North Coast and on the

site particularly would indicate that cape ivy, Italian thistle, and blessed milk thistle present the greatest management challenges (Hulse-Stephens and Heise, 2014).

Sensitive plant communities within the study area are the isolated patches of *Nasella pulchra* herbaceous alliance (purple needlegrass grassland) and California oatgrass (*Danthonia californica*). To be determined a purple needlegrass grassland, relative cover in the herbaceous canopy must be greater than 10 percent. Purple needlegrass comprised 10 to 15 percent relative cover in approximately 10 percent of the parking area and in another small stand approximately three (3) meters by three (3) meters north of the vertical easement. In order to be determined as a California oat grass prairie, relative cover in the herbaceous canopy must be greater than 50 percent. No areas were observed in the project area where California oatgrass stand exceeded 25 percent (Hulse-Stephens and Heise, 2014). Additionally, the ten-foot pedestrian easement is located within 100 feet of the riparian area located along the north property boundary.

**a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by DFW, NOAA, or USFWS?**

Threshold of Significance for this initial study: Direct impacts on individuals of any protected species or species of concern or substantial indirect impacts that adversely affect habitat functions (physical, chemical and biological processes that characterize that habitat) or values.

Assessment: This project will have a less than significant impact with the successful implementation of proposed mitigation measures on protected species, species of special concern, or the habitats that support these species. Due to the location of the easement for the parking area, observation platform and trail, the project cannot be moved to alternative locations on the parcel. The selected trail alignment avoids ESHAs to the greatest extent feasible, while still accomplishing the goal of the project to provide public access along this area of the coast. All feasible mitigation measures recommended in the Botanical Survey (Hulse-Stephens and Heise, 2014) and by the California Department of Fish and Wildlife are required as mitigation measures and conditions of approval to reduce project impacts to a less than significant level. The proposed project is therefore consistent with Mendocino County Code regulations for the protection of natural resources.

**4 (a) Mitigation Measures:**

1. If possible, impacts to, or removal of *Nasella pulchra* herbaceous alliance should be avoided. If it is not possible to avoid impacts to, or removal of, *Nasella pulchra* herbaceous alliance, mitigation shall be required. Mitigation shall occur onsite, or as near to the project site as is practicable, to an area where they can enhance degraded coastal prairie. Where plants cannot be avoided they shall be replaced at a rate of 2:1. To accomplish 2:1 replacement, seeds should be collected on the site as well. If an adequate number of seeds can be collected (approximately six times the number of plants that will be moved) seeds can be planted on the chosen area onsite. If seed is available only in small amounts (approximately three times the number of plants that would be moved) they should be grown out under nursery conditions and planted as plugs on a reserve where they can be maintained and protected. If seed collection is not possible due to timing or availability of seed, purple needlegrass seed may be obtained from authorized sources.
2. If mitigation is necessary, a monitoring plan and performance criteria shall be developed by a qualified biologist prior to issuance of building permits for the project. The plan and criteria shall be followed to ensure success of mitigation planting. The mitigation area shall be effectively protected from future impacts, using measures appropriate to the site.
3. Remaining areas of *Nasella pulchra* herbaceous alliance should be protected from future impacts to the extent practicable
4. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.

5. All areas within the Mendocino Land Trust easement shall be managed to remove invasive weeds, particularly cape ivy, Italian thistle and blessed milk thistle.

**b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?**

Threshold of Significance for this initial study: A net reduction of functions or values in riparian habitat or other sensitive natural communities.

Assessment: The project, with the successful implementation of mitigation measures, will have less than significant impact on riparian habitat. No impacts to the riparian area will occur from trail construction; however, the quality of the riparian area and surrounding grassland (between the riparian area and the fenced trail) will likely be affected by the change in management from grazed to non-grazed pasture. The application notes that easement areas will be managed to remove invasive weeds as part of restoration efforts. Management of invasive species within the riparian area and in the area between the riparian area and the fenced trail would require a private agreement between the landowner and Mendocino Land Trust. Although Mendocino County Code requires that all proposed improvements be located a minimum one-hundred (100) feet from all sensitive habitats, unless a qualified biologist prepares a Reduced Buffer Analysis to reduce the buffer to fifty (50) feet, a reduced buffer analysis is impracticable for this project since the project is located on easements that were required as a condition of approval by the California Coastal Commission for Coastal Development Permit No. A-1-MEN-07-028 (CDP 67-2008) and the easements are being used for the specific purpose identified in the approved easements.

Impacts will be minimal because construction will consist of development of an unpaved foot trail that will not involve the use of heavy construction equipment and there will be a greater than 50-foot buffer between the trail and riparian areas. In addition construction will occur between April 15 and October 15.

**4(b) Mitigation Measures:**

1. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
2. All ground disturbance activities associated with construction of the vertical trail shall maintain a greater than 50-foot buffer from the riparian area on the northern boundary of the property.

**c) Have a substantial adverse effect on state or federal protected wetlands or waters through direct removal, filling, hydrological interruption, or other means?**

Threshold of Significance for this initial study: Adversely affect protected wetlands or waters, resulting in a net reduction of functions, values, or area.

Assessment: The project will have a less than significant effect as no construction will occur in or near wetland areas.

**d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Threshold of Significance for this initial study: Long-term disruption of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Physical alterations to topography, hydrology or vegetation that fragment contiguous habitat areas.

Assessment: The project will have no long-term impact on the movement of fish or wildlife, nor impede the use of wildlife nursery sites.

**e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Threshold of Significance for this initial study: Failure to comply with local policies or ordinances with jurisdiction over the Project that protects biological resources.

Assessment: The project will not violate any local policies or ordinances protecting biological resources. Sensitive plant communities within the study area are the isolated patches of remnant *Nasella pulchra* herbaceous alliance and California oat grass prairie. The impacts to these resources would be reduced to less than significant with the mitigation measures detailed in 4(a) above.

**f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Threshold of Significance for this initial study: Obstruct or prevent the recovery of any listed species covered in an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

Assessment: The project will have no impact to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

- According to the USFWS' habitat conservation plan web site, [http://ecos.fws.gov/conserv\\_plans/PlanReport](http://ecos.fws.gov/conserv_plans/PlanReport), there are no Habitat Conservation Plans covering the project area.
- According to DFW's natural community conservation planning web site, <http://www.wildlife.ca.gov/habcon/nccp/status/index.html>, there are no Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans covering the project area.

<b><u>V. CULTURAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. Cultural Resources**

The following analysis is based on an archaeological survey of the Project Area conducted by a professional archaeologist (Van Bueren 2014). Van Bueren (2014) found that the project area contains two archaeological sites. One of the sites did not qualify as a historic resource and impacts to the site do not qualify as significant. No mitigation or impact avoidance is required or recommended for this site. No direct impacts to the second site were anticipated from the project as designed. Recommendations were provided to ensure that the adverse impacts to historical resources are avoided and/or reduced below the level of significance of CEQA and the California Coastal Act.

**a. Cause a substantial adverse change in the significance of a historical resource.**

Threshold of Significance for this initial study: Result in physical changes in the significance of a historical or cultural resource as defined in CEQA Guidelines Section 15064.5.

Exhibit 4: Mitigated Negative Declaration

Assessment: The Project Area contains two archaeological sites. One site was evaluated and did not qualify as a historic resource and therefore no mitigation or impact avoidance is required or recommended. The project, as designed will have less than significant effects on the second site if the recommendations of the archaeological survey (Van Bueren 2014) and Archaeological Commission are followed (see 5.b).

**b. Cause a substantial adverse change in the significance of an archaeological resource.**

Threshold of Significance for this initial study: Result in physical changes in the significance of an archaeological resource defined in CEQA Guidelines Section 15064.5.

Assessment: The project if constructed as designed will have less than significant effects on archaeological resources. To ensure adverse impacts to archaeological resources are avoided and/or reduced below the level of significance specified in CEQA and the California Coastal Act the following measures are recommended.

**5(b) Mitigation Measures:**

1. To ensure avoidance of impacts to prehistoric resources, all construction activities, construction vehicle access, and staging shall avoid entry within the mapped boundary of the site. Permanent fencing shall be placed around the identified sensitive area that is sufficient to protect the sensitive area from disturbance from cattle as well as deter trespassing. A sign is recommended near the site that will deter visitors from trespassing onto surrounding private lands and stresses the need to avoid impacts to sensitive environmental resources.
  
2. In the event that an archaeological resource is encountered during future development of the project outside of the mapped limits of the two discovered archaeological resources, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the new discovery; 2) notify the Director of Planning and Building Services Department within 24 hours of the discovery; and, 3) retain a professional archaeologist to evaluate the find and negotiate a suitable course of action in consultation with the easement owner, Planning director, and any other parties of interest (e.g., Native Americans).

**c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic features.**

Threshold of Significance for this initial study: Result in physical changes or destruction of a unique paleontological resource or site or unique geologic feature.

Assessment: The project will have no impact on a unique paleontological resource or sites or unique geologic feature as there are none known in the Project area.

**d. Disturb any human remains, including those interred outside of formal cemeteries.**

Threshold of Significance for this initial study: Disturbance of human remains.

Assessment: The project is expected to have no impact on human remains as there is no indication that interment occurred in the Project Area. On the remote chance that human burial or remains are uncovered, all work will cease and the County Coroner will be contacted to address the disposition of such remains.

<b>VI. GEOLOGY AND SOILS.</b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **VI. Geology and Soils**

The subject property is located west of the highway and slopes gently toward the bluff edge. There are no translational/rotational or debris slides mapped on the subject parcel. The property is primarily located in an area of Pleistocene marine terrace deposits with areas of coastal belt Franciscan exposed along the shoreline.

Two soil types are represented on the site. Mallopass loam 0 to 5 percent slopes surround the riparian area. The trail and observation platform are located within this soil type. Flumeville clay loam 5 to 15 percent slopes occur over the remainder of the site. The parking area is located within this soil type.

#### **a. Expose people or structures to potential substantial adverse effects from earthquakes, strong seismic ground shaking, seismic-related ground failure liquefaction, or landslides.**

Threshold of Significance for this initial study: Project located in a known active earthquake fault zone.

Assessment: The project will have no impact. The project will not result in significantly increased exposures of people or structures to effects from earthquakes, strong seismic ground shaking, seismic-related ground failure liquefaction or landslides.

- The Project Area is located outside the tsunami inundation line mapped by the California Department of Conservation (2009).
- The coastal zone in the project vicinity is seismically active and vulnerable to earthquake hazards, which include surface rupture, ground shaking, liquefaction and differential settlement. The San Andreas Fault parallels the coast offshore from the Humboldt County line to Manchester where it heads inland continuing southeasterly from the coastal zone. Further to the east are the Hayward, Rodgers Creek and Mayacama faults. Both the San Andreas and Mayacama faults are capable of producing strong earthquakes in the coastal zone.
- The proposed project would include limited topographic alteration. There would be 400 cubic yards of fill used for the parking area adjacent to Highway One. No cut slopes will be constructed for this project. No occupied structures are proposed as part of the project. Due to the type and limited scale of the improvements proposed and the relatively flat topographic conditions,

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geologic and seismic hazards can be avoided or minimized by employing sound engineering practice in design and construction. The risks associated with seismic activity, including regional subsidence, tsunami potential and sea level rise in the Project Area are beyond the influence of the project. If a major seismic event occurs in the area, any effect resulting from the project will be insignificant in comparison to the effect on other infrastructure and human activities

**b. Result in substantial soil erosion or loss of topsoil.**

Threshold of Significance for this initial study: Substantial acceleration of the rate of soil erosion at the Project site or the loss of top soil.

Assessment: The project will have a less than significant impact regarding soil erosion or loss of topsoil. Temporary equipment access and construction associated with the parking area, viewing area and trail will disturb approximately 0.45 acres. Areas of ground disturbance will be mulched and the perimeter of the parking area will have silt fencing and straw wattles. Areas not developed for parking will be replanted.

**c. Cause soil or geologic unit to become unstable as a result of the Project by causing instability, on or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.**

Threshold of Significance for this initial study: Substantially de-stabilize an otherwise stable soil or geologic unit.

Assessment: The project will have no impact on stability of the underlying soil, nor have any potential to initiate landslides, lateral spreading, subsidence, liquefaction or collapse. The proposed project would include limited topographic alteration in the parking area where 400 cubic yards of fill would be used. There will be no cut slopes for the project. Due to the type and limited scale of the improvements proposed and the relatively flat topographic conditions, geologic and seismic hazards can be avoided or minimized by employing sound engineering practice in design and construction.

**d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Threshold of Significance for this initial study: Located on expansive soils.

Assessment: The project will have less than significant effect. Although the parking area will be located on expansive soils, the impact of expansive soils is considered less than significant because proper engineering and construction techniques will eliminate this hazard and because any damage that does occur will not have an adverse physical effect on humans.

**e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Threshold of Significance for this initial study: Located on underlying soils that are not capable of adequately filtering wastewater or alternative waste water disposal systems.

Assessment: The project will have no impact; no septic tanks or other waste water disposal systems are included in the project.

<b><u>VII. GREENHOUSE GAS EMISSIONS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

adopted for the purpose of reducing the emissions of greenhouse gases?				
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**VII. Greenhouse Gas Emissions**

**a. Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?**

Threshold of Significance for this initial study: Substantial generation of GHG emissions due to project implementation.

Assessment: The project will have a less than significant impact in terms of generating GHG emissions. Use of construction equipment necessary to implement the project will contribute to GHG emissions in the short term. The project would contribute to GHG primarily through the use of diesel-powered construction equipment. The project would not necessarily generate new trips, but would instead divert trips that would have otherwise been made to another recreational or open space location in the County; therefore long-term operational emissions resulting from auto trips are not considered significant and are not discussed further. There would be no net long-term emissions (permanent sources) of GHG from the project. The combustion of diesel fuel in off-road construction equipment and on-road vehicles (trucks, etc.) would emit GHGs consisting mainly of carbon dioxide (CO<sub>2</sub>), along with small amounts of methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O). Because the construction-related emissions will be temporary and minor, the long-term impact of project GHG emissions is considered less than significant and no mitigation is required.

**b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Threshold of Significance for this initial study: Project results in a cumulatively considerable net increase in GHG emissions for which California pursuant to Assembly Bill (AB) 32 desires to reduce California’s GHG emissions to 1990 levels by 2020.

Assessment: The project will have a less than significant impact with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Mendocino County has not prepared a Climate Action Plan, but its 2009 General Plan seeks to reduce greenhouse gas emissions by directing new growth into incorporated cities and established communities and increasing bike, pedestrian and transit systems, while improving building energy efficiency standards and promoting renewable energy (Mendocino County General Plan, Pg 1-7).

As discussed above, project implementation is expected to result in a short term increase in GHG emissions during construction. Short-term construction related emissions for project implementation will not interfere with the County’s plan to achieve reductions in GHG emissions. Therefore, the project would not conflict with any plans, policies or regulations aimed at reducing GHG emissions.

<b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VIII. Hazards and Hazardous Materials**

**a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Threshold of Significance for this initial study: Storage or use of large quantities of hazardous materials that could be released into the environment.

Assessment: The project will have a less than significant impact. The project does not involve storage or use of large quantities of hazardous materials. The project's use of heavy equipment and vehicles contains a potential risk of an accidental release of small quantities of fuel, oil and coolant; however the construction associated with the project is small in scale and will be of short duration. The equipment operator will inspect the work site and equipment before, during and after completion of the project to ensure that the following measures are properly implemented.

- Heavy equipment that will be used in the project will be in good condition and will be inspected for leakage of coolant and petroleum products and repaired, if necessary, before work is started.
- Equipment operators will be trained in the procedures to be taken should an accident occur.
- Prior to the onset of work the contractor will prepare a plan for the prompt and effective response to any accidental spills.
- Absorbent materials designed for spill containment and cleanup will be kept at that project site for use in case of an accidental spill.
- Refueling of equipment will occur off-site.
- If equipment must be washed, washing will occur off-site.
- Stationary equipment will be positioned over drip pans.

**b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

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Threshold of Significance for this initial study: Project involves the use of large quantities of hazardous materials.

Assessment: While the potential exists to release hazardous materials into the environment, the project's small scale, the short duration of construction, and implementation of safety measures by the equipment operator would reduce this impact to a less than significant level.

**c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?**

Threshold of Significance for this initial study: Project is located within one-quarter of mile of a school and involves the use of large quantities of hazardous materials.

Assessment: The project will have no impact to the public or the environment as the Project does not involve the use of large quantities of hazardous materials and is not located within one-quarter mile of a school. The project will not emit hazardous emissions or handle large quantities of hazardous or acutely hazardous materials, substances, or waste.

**d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

Threshold of Significance for this initial study: Project is located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Assessment: The project will have no impact.

- Within the project area there are no sites that are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore the proposed project would not create a significant risk to the public or the environment.
- If hazardous materials or what appear to be hazardous materials are encountered, work will stop in the affected area immediately and the operator will contact 911 or the appropriate agency for further instructions.

**e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?**

Threshold of Significance for this initial study: Project is located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

Assessment: The project will have no impact. The project work site is not located within two miles of a public airport.

**f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?**

Threshold of Significance for this initial study: Project is located within the vicinity of a private airstrip.

Assessment: The project will have no impact. The project work site is not located within the vicinity of a private airstrip.

**g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

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Threshold of Significance for this initial study: Project would prevent alerting and warning citizens, conducting evacuations, short-term feeding and sheltering, conducting search and rescue operations or using emergency evacuation routes.

Assessment: The project will have no impact. The proposed project will not prevent alerting and warning citizens, conducting evacuations, short-term feeding and sheltering, conducting search and rescue operations or using emergency evacuation routes.

**h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Threshold of Significance for this initial study: Project is located in an area shown on a map used to identify wildland fire hazard areas. Potential exists for a significant risk of loss, injury or death involving wildland fires.

Assessment: The project will have less than significant impact. The project is located in a mapped area of moderate fire hazard rating (California Department of Forestry and Fire Protection 2007). Fire hazard designations are based on topography, vegetation, and weather, amongst other factors that indicate the likelihood of wildfire occurrence. The fire potential in the project area is reduced by the relatively wet climate, existing grazing land use and lower-than average frequency of severe fire weather resulting from coastal influence.

<b><u>IX. HYDROLOGY AND WATER QUALITY.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**IX. Hydrology and Water Quality**

**a) Violate any water quality standards or waste discharge requirements?**

Threshold of Significance for this initial study: Exceed any state water quality standards or waste discharge requirements.

Assessment: The project will have a less than significant impact if mitigation measures are successfully implemented and will not violate any water quality standards, which will ensure that any potentially significant impacts are avoided or mitigated to below a level of significance.

- The project will not violate any state water quality standards or waste discharge requirements, because only a small amount of ground disturbance will occur, and measures will be implemented to avoid and minimize erosion and to prevent the release of hazardous materials associated with construction equipment. Furthermore, ground disturbance for the access trail will be minimal and the trail will be primarily be located between 85 and 95 feet located will occur generally between 85 feet and 95 feet from the riparian area on the northern boundary of the property.
- Erosion and sediment control shall comply with the California Storm Water Quality Association Storm Water Best Management Practice (BMP) Handbook for Construction, 2003.

**9(a) Mitigation Measures:**

1. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
2. No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.
3. Disturbed areas will be mulched with at least 2 to 4 inches of certified weed-free straw mulch and covered with an appropriate seed mix where necessary before replanting.
4. All temporary fill, synthetic mats and silt fences will be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics will be used, where possible.
5. Material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
6. The following BMPs shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into coastal waters during the transportation and storage of excavated contaminated materials:  
 EC-2 Preservation of Existing Vegetation  
 EC-6 Straw Mulch  
 EC-7 Geotextile and Mats  
 WM-9 Sanitary/Septic Waste Management

**Monitoring Method:**

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- The equipment operator will inspect the work site and equipment before, during and after completion of the Project to ensure that all measures to avoid impacts are properly implemented.
- Before construction work commences the equipment operator will inspect the site and document that all that erosion control measures and appropriate BMPs are in place.

**b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a substantial lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

Threshold of Significance for this initial study: Substantially deplete groundwater supplies or interfere with recharge standards or waste discharge requirements.

Assessment: The project will have no impact on groundwater supplies, recharge or the local groundwater table level.

**c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

Threshold of Significance for this initial study: Substantially alter existing drainage, increasing surface runoff and/or resulting in substantial erosion or siltation on or off site.

Assessment: The project will have less than significant impact on surface runoff from the site which would result in erosion or siltation on or off site. The majority of the parking area (less the entrance apron) will be a rock surface. The parking area will drain to the north, west and south to an area of planting beds and boulders.

**d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

Threshold of Significance for this initial study: Increase the volume of surface runoff that potentially could cause localized flooding.

Assessment: The project will have no impact, as it will not increase storm water runoff that could cause localized flooding. The majority of the parking area (less the entrance apron) will be a permeable rock surface.

**e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

Threshold of Significance for this initial study: Runoff exceeds the capacity of existing or planned stormwater drainage systems or provides substantial additional sources of polluted runoff.

Assessment: The project will have no adverse impact on existing or planned stormwater drainage systems and will not provide substantial additional sources of polluted runoff.

**f) Otherwise substantially degrade water quality?**

Threshold of Significance for this initial study: Exceed any state water quality standards not previously assessed in 8 (a).

Assessment: The project will not substantially degrade water quality not previously assessed in 8 (a) or exceed water any state water quality standards. The project will not violate any state water quality standards or waste discharge requirements.

**g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

Assessment: The project will have no impact; none of the project components are within the FEMA mapped 100-year or 500-year flood hazard areas.

**h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

Threshold of Significance for this initial study: Construction of structures in the 100-year flood hazard area which would impede or redirect flood flows.

Assessment: The project will have no impact; none of the project components are within the FEMA mapped 100-year or 500-year flood hazard areas.

**i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Threshold of Significance for this initial study: Project is located in a flood hazard area exposing people or structures to risk of loss, injury or death involving flooding.

Assessment: The project will have no impact; it is not located within a flood hazard area.

**j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?**

Assessment: The project will have less than significant impact. As is typical of most areas of the northern Mendocino County coastline, there is a tsunami inundation area located along the bluff edge. The viewing platform will be located near but not in a mapped tsunami inundation zone and will be 75 feet and 100 feet from the western and northern bluff edges, respectively.

<b><u>X. LAND USE AND PLANNING.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**X. Land Use and Planning**

**a. Physically divide an established community?**

Threshold of Significance for this initial study: Physically divide an established community.

Assessment: The project will have no impact on an established community as none exist at the site. The project will not create a physical barrier that would limit access to an area that was previously accessible.

**b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating and environmental effect?**

Threshold of Significance for this initial study: Failure to comply with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project.

Assessment: The project will have less than significant impact if mitigation measures are successfully implemented.

- Mendocino Land Trust will secure all necessary federal, state, and local authorizations prior to implementing this Project.
- Mendocino Land Trust will obtain a Coastal Development Permit (this application) and any required building permits from Mendocino County prior to construction.
- Policy 3.6-26 of the Coastal Element states that “Prior to the opening, advertising or use of any accessway, the responsible individuals or agency shall prepare a management plan for that accessway, which is acceptable to the County of Mendocino, sufficient to protect the natural resources and maintain the property.” Section 20.528.045 of the Mendocino County Coastal Zoning Code requires an Accessway Management Plan before any accessway can be opened to the public. The following mitigation measure is included to require the Accessway Management Plan.

**10(b) Mitigation Measure:**

1. An Accessway Management Plan shall be provided to Mendocino County and accepted by the Director prior to the issuance of any building permits for the project which shall include, at a minimum, the following:
  - Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
  - Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
  - Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
  - Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

**c. Conflict with any applicable habitat conservation plan or natural community conservation plan.**

Threshold of Significance for this initial study: If the project is located in an area with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan, is it inconsistent with the applicable Plan?

Assessment: The project will have no impact. There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans covering the project site.

<b><u>XI. MINERAL RESOURCES.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				
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**XI. Mineral Resources**

**a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Threshold of Significance for this initial study: Development of land overlying a mineral resource that would physically preclude future access to that resource.

Assessment: The project will have no impact on future availability of a mineral resource that would be of value to the region and the residents of the state. There is no known mineral resource found within the Project Area.

**b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Assessment: Not applicable to the project as no such delineation exists for the project area.

<b><u>XII. NOISE</u></b> Would the project result in:	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XII. Noise**

**a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Threshold of Significance for this initial study: Generating noise and exposing people to noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Assessment: The project with mitigation measures will have a less than significant adverse effect on people exposed to noise levels in excess of established standards.

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- The project may temporarily generate noise at the work site that exceeds 85 db at 50 ft for a short-term when using heavy equipment to construct the parking area.
- Workers in close proximity to operating equipment and equipment operators could be exposed to noise levels in excess of 85 db.
- There is one residence in the immediate vicinity, within approximately 170 feet, of the project parking area.
- The Mendocino County General Plan Chapter VI Noise Element (2009) sets forth goals and policies related to noise and land use compatibility. Policy DE-100 proposes exterior noise limits for different land uses. In the single-family residential category, the maximum sustained noise level would be 60 dBA daytime (7:00 AM to 10:00 PM), and 50 dBA nighttime (10:00 PM to 7:00 AM). Ldn is the average sound level in decibels, excluding frequencies beyond the range of the human ear, during a 24-hour period with a 10dB weighting applied to nighttime sound levels.
- Existing noise sources in the project area are associated with traffic on area roads and on Highway 1. The 2009 Mendocino County General Plan found that noise from Highway 1 in the vicinity of Highway 20, a Community Noise Equivalent Level (CNEL) ranging from 60 dBA at a measurement distance of 469 feet from the road, and 70 dBA at a measurement distance of 101 feet (Charles Salter Associates 2002). CNEL is the average sound level over a 24 hour period, with a penalty of 5 dB added between 7 pm and 10 pm. and a penalty of 10 dB added for the nighttime hours of 10 pm to 7 am, since most citizens living in a given area are very sensitive to noise in the early morning hours and somewhat sensitive to noise during evening hours.

### **12 (a) Mitigation Measures:**

1. Workers will be required to wear hearing protection when in the vicinity of or while operating equipment producing noise levels equal to or greater than 85 db.
2. Restrict noise from earthmoving and hauling of soils.
  - Hours of construction for outdoor activities exceeding 50 dBA shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. and weekends and holidays from 9:00 a.m. to 6:00 p.m. Movement and hauling of material shall be limited to normal working hours for the area, as specified above. More restrictive operation hours may be specified in the construction documents and may be property-specific.
  - All equipment shall operate with factory-equipped mufflers, and staging areas (if any) shall be located as far from residential uses as is practical. These conditions shall be incorporated into project contract specifications.
  - Construction personnel shall conduct all work activities in a manner that minimizes noise generation. A variety of contractor actions are available that will reduce construction noise, including: i) turning off engines on all construction equipment not in active use, ii) shielding noisy equipment with less noisy equipment, and iii) avoiding high RPM engine operation whenever possible.

### **b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?**

Assessment: The project will have a less than significant impact on people from excessive groundborne vibration or groundborne noise levels; any groundborne vibration or noise will be short-term and will be mitigated to a less than significant level by mitigation measures specified in 12(a).

### **c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?**

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Assessment: The project will have no permanent increase in ambient noise levels in the project vicinity above levels existing without the project, because construction activities will be of short-term duration.

**d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?**

Assessment: The project will have a less than significant adverse effect on ambient noise levels in the project vicinity.

- The project will involve only one or two pieces of vehicular equipment operating simultaneously and only for short-term duration.
- Back-up beepers on heavy equipment vehicles will cause temporary noise in excess of ambient levels during daylight hours, but the project is of short duration and this noise increase is not considered substantial.
- Increases in ambient noise levels will be kept to a less than significant level by implementation of mitigation measures in Section 12(a).

**e) For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?**

Assessment: **Not applicable** to this project as the work site is not located within two miles of a public airport.

**f) For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?**

Assessment: **Not applicable**. The project work site is not located within two miles of a public airport.

<b><u>XIII. POPULATION AND HOUSING.</u></b> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIII. Population and Housing**

**a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Threshold of Significance: Result in substantial population growth in the area.

Assessment: No impact and not applicable. The project is limited to constructing a parking area, trail and coastal viewing platform. It will not induce substantial population growth in the area, nor does it involve construction of housing or growth inducing infrastructure.

**b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Threshold of Significance: Displace significant housing units in the area.

Assessment: No impact. The project will not displace any existing housing.

**c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

Threshold of Significance: Displace a significant number of people.

Assessment: No impact. The project will not displace any people.

<b><u>XIV. PUBLIC SERVICES.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. Public Services**

**a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

Threshold of Significance: Result in increased need for public services such as fire and police protection, schools, and parks.

Assessment: No impact. The project is to construct a four car parking area, access trail and coastal viewing platform. The proposed project would have no impact by creating a need for new or physically altered facilities for fire protection, police protection, schools, parks, nor other public facilities.

<b><u>XV. RECREATION.</u></b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
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**XV. Recreation**

**a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

Threshold of Significance: Increased use of parks or other recreational facilities in the area.

Assessment: The project would have no impact on use of parks or other recreational facilities in the area.

**b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Threshold of Significance: Requires the construction or expansion of recreational facilities in the area.

Assessment: The project will have a less than significant effect on the environment due to construction or expansion of recreational facilities. The purpose of project is to enhance passive recreational enjoyment of coastal natural resources and will consist of construction of a four car capacity parking area, construction of a 1,200 foot trail connecting the Newport Coastal Trail to a coastal viewing area, and construction of an approximately 256 square foot observation platform.

<b><u>XVI. TRANSPORTATION/TRAFFIC.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. Transportation**

**a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

Threshold of Significance: Substantial increase in the number of vehicle trips, the volume to capacity ration on roads, or congestion at intersections.

Assessment: The project will not substantially increase traffic over the long term. During project implementation, there will be a small increase in traffic associated with construction vehicles. The project would not necessarily generate new trips, but would instead divert trips that would have otherwise been made to another recreational or open space location in the County.

Existing Traffic Conditions

Existing traffic volumes for Highway 1 in the Project Vicinity (Westport, postmile 77.66) were obtained from the Caltrans Traffic Data Branch website at <http://traffic-counts.dot.ca.gov/>. Peak Hour Traffic at this location is 120 vehicles. Daily traffic during the peak travel month is 1,200, and average annual daily traffic (AADT) is 850.

**b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

Assessment: The project will not result in a substantial increase in the number of vehicles utilizing area roadways, and therefore will not exceed a level of service standard established by the County Department of Transportation, as Highway 1 in the project vicinity retains excess capacity.

**c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?**

Assessment: Not applicable. The project will not have an effect on air traffic patterns.

**d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Assessment: The Project will not substantially increase hazards due to design features or incompatible uses. The Project includes construction of a parking area with an associated driveway entry from Highway 1. The project will require an encroachment permit from Caltrans prior to issuance of the coastal development permit by Mendocino County. There will be less than significant impact with the following mitigation measure.

**16(a) Mitigation Measure**

1. The applicant shall secure an encroachment permit from California Department of Transportation prior to the issuance of building permits for the project.

**e) Result in inadequate emergency access?**

Assessment: There will be no impact.

**f) Result in inadequate parking capacity?**

Assessment: The project will provide four (4) parking spaces for passive recreational users where none previously existed. The number of parking spaces is limited by the size of the easement. There would be no impact.

**g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

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Assessment: The project would not conflict with adopted policies, plans or programs supporting alternative transportation.

<b><u>XVII. UTILITIES AND SERVICE SYSTEMS.</u></b> <b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVII. Utilities and Service Systems**

**a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

Assessment: There will be no impact. The project will not include bathroom facilities.

**b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Assessment: There will be no impact. The project will not include bathroom facilities.

**c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Assessment: Impacts from construction of the 6,970 square foot parking area on stormwater management will be less than significant. The parking area will use a rock surface and drainage will be to planted beds surrounding the parking area.

**d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?**

Assessment: There would be no impact. The project will not provide water.

**e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?**

Assessment: No impact. The project will have no bathrooms or wastewater service.

**f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?**

Assessment: No impact. The project will not result in a substantial increase in regional solid waste disposal needs.

**g) Comply with federal, state, and local statutes and regulations related to solid waste?**

Assessment: No impact. The project will comply with federal, state, and local statutes and regulations related to solid waste.

<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVIII. Mandatory Findings of Significance**

**a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, “substantially” reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Threshold of Significance for this initial study: The project has impacts associated with any of the environmental topics identified in the Appendix G of the CEQA Guidelines that cannot be mitigated to less than significant levels.

Assessment: The project will have less than a significant impact on the environment with the successful implementation of mitigation measures. The project will not degrade the quality of the environment. Refer to previous discussions of less than significant impact with mitigation measure assessments and/or mitigation measures in this initial study: Section IV(a) state and federal protected species, (b) riparian or sensitive natural community; V(b) cultural and archaeological resources; IX(a) hydrology and water quality; X(b) land use and planning; XII(a) noise levels; and XVI(a) transportation.

**b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Threshold of Significance for this initial study: The incremental effects of a project are cumulatively considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Assessment: The project will have a less than significant cumulative impact. The project does not have adverse impacts that are individually limited, but cumulatively considerable.

**c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Threshold of Significance for this initial study: The project will have a significant environmental impact on human beings, either directly or indirectly that cannot be mitigated to less than significant.

Assessment: The Project will have a less than significant impact, with the successful implementation of mitigation measures on human beings, either directly or indirectly.

- Refer to earlier assessments in initial study: Sections; IX(a) hydrology and water quality; X(b) land use and planning; XII(a) noise levels; and XVI(a) transportation.

**Mitigation Measures**

**4(a) Mitigation Measures:**

1. If possible, impacts to, or removal of *Nasella pulchra* herbaceous alliance should be avoided. If it is not possible to avoid impacts to, or removal of, *Nasella pulchra* herbaceous alliance, mitigation shall be required. Mitigation shall occur onsite, or as near to the project site as is practicable. Where plants cannot be avoided they shall be replaced at a rate of 2:1. This would require relocating plants within the designated parking area to another area onsite where they can enhance degraded coastal prairie. To accomplish 2:1 replacement, seeds should be collected on the site as well. If an adequate number of seeds can be collected (approximately six times the number of plants that will be moved) seeds can be planted on the chosen area onsite. If seed is available only in small amounts (approximately three times the number of plants that would be moved) they should be grown out under nursery conditions and planted as plugs on a reserve where they can be maintained and protected. If seed collection is not possible due to timing or availability of seed, purple needlegrass seed may be obtained from authorized sources.
2. If mitigation is necessary, a monitoring plan and performance criteria shall be developed by a qualified biologist prior to issuance of building permits for the project. The plan and criteria shall be followed to ensure success of mitigation planting. The mitigation area shall be effectively protected from future impacts, using measures appropriate to the site.
3. Remaining areas of *Nasella pulchra* herbaceous alliance should be protected from future impacts to the extent practicable
4. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
5. All areas within the Mendocino Land Trust easement shall be managed to remove invasive weeds, particularly cape ivy, Italian thistle and blessed milk thistle.

**4(b) Mitigation Measures:**

1. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.

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2. All ground disturbance activities associated with construction of the vertical trail shall maintain a greater than 50-foot buffer from the riparian area on the northern boundary of the property.

### **5(b) Mitigation Measure:**

1. To ensure avoidance of impacts to prehistoric resources, all construction activities, construction vehicle access, and staging shall avoid entry within the mapped boundary of the site. Permanent fencing shall be placed around the identified sensitive area that is sufficient to protect the sensitive area from disturbance from cattle as well as deter trespassing. A sign is recommended near the site that will deter visitors from trespassing onto surrounding private lands and stresses the need to avoid impacts to sensitive environmental resources.
2. In the event that an archaeological resource is encountered during future development of the project outside of the mapped limits of the two discovered archaeological resources, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the new discovery; 2) notify the Director of Planning and Building Services Department within 24 hours of the discovery; and, 3) retain a professional archaeologist to evaluate the find and negotiate a suitable course of action in consultation with the easement owner, Planning director, and any other parties of interest (e.g., Native Americans).

### **9(a) Mitigation Measures:**

1. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
2. No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.
3. Disturbed areas will be mulched with at least 2 to 4 inches of certified weed-free straw mulch and covered with an appropriate seed mix where necessary before replanting.
4. All temporary fill, synthetic mats and silt fences will be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics will be used, where possible.
5. Material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
6. The following BMPs shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into coastal waters during the transportation and storage of excavated contaminated materials:
  - EC-2 Preservation of Existing Vegetation
  - EC-6 Straw Mulch
  - EC-7 Geotextile and Mats
  - WM-9 Sanitary/Septic Waste Management

### **Monitoring Method:**

- The equipment operator will inspect the work site and equipment before, during and after completion of the Project to ensure that all measures to avoid impacts are properly implemented.
- Before construction work commences the equipment operator will inspect the site and document that all that erosion control measures and appropriate BMPs are in place.

### **10(b) Mitigation Measure:**

1. An Accessway Management Plan shall be provided to Mendocino County and accepted by the Director prior to the issuance of any building permits for the project which shall include, at a minimum, the following:

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- Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
- Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
- Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
- Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).

### **12(a) Mitigation Measures:**

1. Workers will be required to wear hearing protection when in the vicinity of or while operating equipment producing noise levels equal to or greater than 85 db.
2. Restrict noise from earthmoving and hauling of soils.
  - Hours of construction for outdoor activities exceeding 50 dBA shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. and weekends and holidays from 9:00 a.m. to 6:00 p.m. Movement and hauling of material, and associated activities such as re-fueling or maintenance, shall be limited to normal working hours for the area, as specified above. More restrictive operation hours may be specified in the construction documents and may be property-specific.
  - All equipment shall operate with factory-equipped mufflers, and staging areas shall be located as far from residential uses as is practical. These conditions shall be incorporated into project contract specifications.
  - Construction personnel shall conduct all work activities in a manner that minimizes noise generation. A variety of contractor actions are available that will reduce construction noise, including: i) turning off engines on all construction equipment not in active use, ii) shielding noisy equipment with less noisy equipment, and iii) avoiding high RPM engine operation whenever possible.

### **16(a) Mitigation Measure:**

1. The applicant shall secure an encroachment permit from California Department of Transportation prior to issuance of building permits for the project.

## REFERENCES

Thad M. Van Bueren, November 1, 2014. Archaeological Survey of the Kibesillah Vertical Trail and Parking near Westport Mendocino County, California. Prepared for: Louisa Morris, Trails and Conservation Program Manager, Mendocino Land Trust, P.O. Box 1094, Mendocino, CA 95460.

Geri Hulse-Stephens and Kerry Heise, September 15, 2014. Botanical Survey of the Newport Trail (Phase II) Mendocino, County, California. Submitted to: Mendocino Land Trust, 330 N Franklin St, Fort Bragg, CA 95437.

Michael Butler, C.E., September 5, 2014. Preliminary Grading Plan Newport Coastal Trail – Phase 2, Mendocino Coast, California.

Mendocino County Records Document No. 2011-11078. Jackson-Grube Family (Grantor), May 31, 2011. IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS for APNs: 015-380-02 (and 015-070-42). (Offer to Dedicate Lateral Public Access Easement Along Highway One, Vertical Public Access Easement to Bluff, Public Access Viewing Area Easement, and Public Access Parking Easement).

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

Exhibit 4: Mitigated Negative Declaration

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
2/25/2016

CDP\_2014-0039 JACKSON GRUBE FAMILY INC

RESOLUTION OF THE Coastal Permit Administrator, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A Mitigated Negative Declaration AND GRANTING A CDP\_STANDARD FOR for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area.

WHEREAS, the applicant, JACKSON GRUBE FAMILY INC AND MENDOCINO LAND TRUST, filed an application for A CDP\_STANDARD with the Mendocino County Department of Planning and Building Services to , In the Coastal Zone lying on the west of Highway 1, 5+/- miles south of Westport. Located at 31502 North Highway 1, Westport; APN 015-380-02., 31502 North Highway One, WESTPORT; 01538002; General Plan RMR20PD:R; Zoning RMR:20/FPPD;; Supervisorial District 4; (the "Project"); and

WHEREAS, a MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on February 8, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, March 10, 2016 at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the MITIGATED NEGATIVE DECLARATION and the Project. All interested persons were given an opportunity to hear and be heard regarding the MITIGATED NEGATIVE DECLARATION and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the [BOARD] regarding the MITIGATED NEGATIVE DECLARATION and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

1. The proposed development is in conformity with the certified Local Coastal Program.
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The applicant will provide an Accessway Management Plan to the County prior to issuance of building permits.
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. Passive recreation is a principally permitted use in the Remote Residential district.

## Exhibit 4: Mitigated Negative Declaration

4. The proposed development, if constructed in compliance with the conditions of approval (and the mitigation measures in the initial study (Attachment B)), will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The project area has been surveyed and the recommendations of the archaeologist are included in the conditions of approval.
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan. The project will enhance public access to the coast by providing new access to areas for passive recreational pursuits and nature study.
8. Resource Impact Findings:
  - (a) The resource as identified will not be significantly degraded by the proposed development.
  - (b) There is no feasible less environmentally damaging alternative.
  - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring set forth in the Conditions of Approval. The Coastal Permit Administrator certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator, [IF MODIFIED ADD INFO].

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested CDP\_STANDARD, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: ADRIENNE M. THOMPSON  
Secretary to the Planning Commission

By: \_\_\_\_\_

Exhibit 4: Mitigated Negative Declaration

BY: STEVEN D. DUNNICLIFF  
Director

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**EXHIBIT A**

**CONDITIONS OF APPROVAL AND MITIGATION MONITORING  
AND REPORTING PROGRAM  
- CDP\_2014-0039  
2/25/2016**

The project is for a Coastal Development Permit for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area. The project will also include management signs and fencing to separate cattle from hikers on the trail. As approved or modified

**APPROVED PROJECT DESCRIPTION:** The project is for a Coastal Development Permit for the second phase of the Newport Coastal Trail (an existing 1.3 mile length of the California Coastal Trail on the Newport Ranch property). The proposed project will include (1) a 4-car parking lot encompassing approximately 6,970 square feet; (2) an approximately two-foot wide trail within a ten-foot wide easement area, approximately 1,200 feet in length, connecting the existing trail to an observation platform area; and, (3) construction of an approximately 256 square foot observation platform within the observation easement area. The project will also include management signs and fencing to separate cattle from hikers on the trail.

**CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*\*)”:**

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits, studies, surveys, reports and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.

## Exhibit 4: Mitigated Negative Declaration

6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
- 9.\*\* In order to provide for the protection of Natural Resources, the following measures shall be completed by the applicant.
  - a. If possible, impacts to, or removal of *Nasella pulchra* herbaceous alliance should be avoided. If it is not possible to avoid impacts to, or removal of, *Nasella pulchra* herbaceous alliance, mitigation shall be required. Mitigation shall occur onsite, or as near to the project site as is practicable, to an area where they can enhance degraded coastal prairie. Where plants cannot be avoided they shall be replaced at a rate of 2:1. To accomplish 2:1 replacement, seeds should be collected on the site as well. If an adequate number of seeds can be collected (approximately six times the number of plants that will be moved) seeds can be planted on the chosen area onsite. If seed is available only in small amounts (approximately three times the number of plants that would be moved) they should be grown out under nursery conditions and planted as plugs on a reserve where they can be maintained and protected. If seed collection is not possible due to timing or availability of seed, purple needlegrass seed may be obtained from authorized sources.
  - b. If mitigation is necessary, a monitoring plan and performance criteria shall be developed by a qualified biologist prior to issuance of building permits for the project. The plan and criteria shall be followed to ensure success of mitigation planting. The mitigation area shall be effectively protected from future impacts, using measures appropriate to the site.
  - c. Remaining areas of *Nasella pulchra* herbaceous alliance should be protected from future impacts to the extent practicable
  - d. Construction will only occur between April 15th and October 15th when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
  - e. All ground disturbance activities associated with construction of the vertical trail shall maintain a greater than 50-foot buffer from the riparian area on the northern boundary of the property

## Exhibit 4: Mitigated Negative Declaration

- f. All areas within the Mendocino Land Trust easement shall be managed to remove invasive weeds, particularly cape ivy, Italian thistle and blessed milk thistle.
10. Prior to issuance of the building permit, the applicant shall submit for the approval of the Building Division, a grading and erosion control plan.
  - 11.\*\* An Accessway Management Plan shall be provided to Mendocino County and accepted by the Director prior to the issuance of any building permits for the project which shall include, at a minimum, the following:
    - a. Provide for a design which avoids or mitigates any public safety hazards and any adverse impacts on agricultural operations or identified coastal resources;
    - b. Set forth the agency(ies) responsible for operating, maintaining and assuming liability for the accessway;
    - c. Set forth any other known provisions such as facilities to be provided, signing, use restrictions and special design and monitoring requirements; and
    - d. Set forth provisions for protecting the accessway from vandalism and/or improper use (e.g., guarded gate, security patrol, hours of operation or period/seasons of closure and fees, if any).
  - 12.\*\* The following measures shall be complied with during construction of the parking area. If deviation from these measures or the Preliminary Grading Plan is required, such deviation shall only be permissible if agreed upon by the Department of Planning and Building Services and a licensed civil engineer.
    - a. No construction shall commence without prior approval of the County of Mendocino's Supervising Engineer and California Department of Transportation.
    - b. The Contractor shall call Underground Service Alert (USA) at (800)227-2600 at least 48 hours prior to any excavation for markouts of existing underground facilities.
    - c. Any damages to County or other utilities caused by project operations shall be the Contractor's responsibility.
    - d. The Contractor shall be responsible for immediate off-site disposal of all bituminous pavement, concrete, reinforcement, vegetation, and spoils not needed for backfill.
    - e. All workmanship, materials, and construction shall conform to the County of Mendocino Standard Plans, the Construction Specifications for Public Improvements, the Special Provisions for this project, and the State Standard Specifications and Standard Plans.
    - f. All traffic control shall be in accordance with the latest edition off the California Department of Transportation Manual of Traffic for Construction and Maintenance of Work Zones.
    - g. All signs shall be appropriately constructed with reflective material on a backing of metal or fabric (no wood or plastic allowed) and shall be maintained throughout construction to provide proper visibility.
    - h. Site work can only proceed and must be completed during the dry season, April 15 to October 16.
    - i. Before commencing work, the Contractor shall mark off boundary of area of work, and areas outside of Mendocino Land Trust easements that cannot be disturbed. Vegetation shall then be cleared over the area to be worked. Existing patches of purple needlegrass

## Exhibit 4: Mitigated Negative Declaration

(*Stipa pulchra*) within the construction area shall be recovered with roots intact as possible for replanting by Mendocino Land Trust.

- j. Contractor shall provide a final grading plan and erosion control plan prior issuance of the building permit for the parking area and install and maintain erosion control measures shown on the plan, prior to grading operations.
- 13.\*\* The applicant shall secure an encroachment permit from California Department of Transportation as a condition of approval for the coastal development permit.
- 14.\*\* The applicant shall ensure the site is protected from stormwater runoff during construction.
  - a. Construction will only occur between April 15 and October 16 when the ground surface is dry and to reduce the chance of stormwater runoff occurring during construction.
  - b. No construction materials, debris, or waste, shall be placed or stored where it may be allowed to enter into or be placed where it may be washed by rainfall into waters of the U.S./State.
  - c. Disturbed areas will be mulched with at least 2 to 4 inches of certified weed-free straw mulch and covered with an appropriate seed mix where necessary before replanting.
  - d. All temporary fill, synthetic mats and silt fences will be removed from wetlands and waters of the U.S./State immediately on cessation of construction. Biodegradable geotextile fabrics will be used, where possible.
  - e. Material stockpiles shall be properly protected to minimize sediment and pollutant transport from the construction site.
  - f. The following BMPs shall be implemented to prevent entry of storm water runoff into the excavation site, the entrainment of excavated contaminated materials leaving the site, and to prevent the entry of polluted storm water runoff into coastal waters during the transportation and storage of excavated contaminated materials:
    - EC-2 Preservation of Existing Vegetation
    - EC-6 Straw Mulch
    - EC-7 Geotextile and Mats
    - WM-9 Sanitary/Septic Waste Management
- 15.\*\* To ensure avoidance of impacts to prehistoric resources, all construction activities, construction vehicle access, and staging shall avoid entry within the mapped boundary of the site. Permanent fencing shall be placed around the identified sensitive area that is sufficient to protect the sensitive area from disturbance from cattle as well as deter trespassing. A sign is recommended near the site that will deter visitors from trespassing onto surrounding private lands and stresses the need to avoid impacts to sensitive environmental resources.
- 16.\*\* In the event that an archaeological resource is encountered during future development of the project outside of the mapped limits of the two discovered archaeological resources, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the new discovery; 2) notify the Director of Planning and Building Services Department within 24 hours of the discovery; and, 3) retain a professional archaeologist to evaluate the find and negotiate a suitable course of action in consultation with the easement owner, Planning director, and any other parties of interest (e.g., Native Americans).
- 17.\*\* The following measures to reduce noise impacts shall be complied with during the construction phase of the project.
  - a. Workers will be required to wear hearing protection when in the vicinity of or while operating equipment producing noise levels equal to or greater than 85 db.

## Exhibit 4: Mitigated Negative Declaration

- b. Restrict noise from earthmoving and hauling of soils.
- Hours of construction for outdoor activities exceeding 50 dBA shall be limited to Monday through Friday 7:00 a.m. to 7:00 p.m. and weekends and holidays from 9:00 a.m. to 6:00 p.m. Movement and hauling of material, and associated activities such as re-fueling or maintenance, shall be limited to normal working hours for the area, as specified above. More restrictive operation hours may be specified in the construction documents and may be property-specific.
  - All equipment shall operate with factory-equipped mufflers, and staging areas shall be located as far from residential uses as is practical. These conditions shall be incorporated into project contract specifications.
  - Construction personnel shall conduct all work activities in a manner that minimizes noise generation. A variety of contractor actions are available that will reduce construction noise, including: i) turning off engines on all construction equipment not in active use, ii) shielding noisy equipment with less noisy equipment, and iii) avoiding high RPM engine operation whenever possible.
18. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.

“\*\*\*” Indicates that a condition is also included in Mitigated Negative Declaration.